



2011
2011
P.U. (A)

WARTA KERAJAAN PERSEKUTUAN
*FEDERAL GOVERNMENT
GAZETTE*

TRADE DESCRIPTION ACT 2011
[ACT 730]

TRADE DESCRIPTION (CERTIFICATION AND MARKING
OF 'HALAL') ORDER 2011



DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
*ATTORNEY GENERAL'S
CHAMBERS*

TRADE DESCRIPTION (CERTIFICATION AND MARKING OF 'HALAL') ORDER 2011

IN exercise of the powers conferred by section 29 of the Trade Descriptions Act 2011 [Act 730], the Minister makes the following order:

Citation and commencement

1. (1) This Order may be cited as the **Trade Descriptions (Certification and Marking of 'Halal') Order 2011**.

(2) This Order comes into operation on **1 January 2012**.

Competent authority

2. (1) For the purpose of this Order, Jabatan Kemajuan Islam Malaysia (JAKIM) and the State Islamic Religious Council in the respective States shall be the competent authority to certify that any food or goods or service in relation to the food or goods is halal in accordance with Trade Description (Interpretation of "Halal") Order 2011 ["P.U. (A) "].

(2) No other person shall certify that any food or goods or services in relation to the food or goods is halal except the competent authorities as stated in paragraph (1).

(3) In order to obtain the certification from the competent authority, the applicant must fulfil all standards, procedures and circulars enforced by the Chief Director of JAKIM.

Certification of 'halal'

3. (1) All food, goods or services in relation to the food or goods, shall not be described as "halal" except:

a) it is certified as halal by the competent authority; and

b) it is marked with a logo as specified in Schedule 1.

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(2) Notwithstanding anything in paragraph (1), all food supplied by non-Muslim intended to be described in any other manner to indicate that the food or goods can be consumed or used by Muslim shall

(a) be certified as halal by the competent authority;

(b) be marked with a logo as specified in Schedule 1.

(3) For the purpose of this Order, manner includes representation or conduct.

(4) For the purpose of this Order, “services in relation to the food or goods” includes storing of the food and goods..

Certification of “halal” for food and imported goods

4. (1) All imported food or goods marketed in Malaysia shall not be described as “halal” except if it complies with paragraph 3 or certified as halal by the foreign halal certification body as recognised by JAKIM as listed in Schedule 2.

(2) All food or goods being certified as halal by the foreign halal certification body as recognized by JAKIM shall mark on the said food and goods with the name of the said certification body.

Marking of food and goods

5. (1) All food or goods which intended to be marked in accordance to paragraph 3 and 4 shall be made by affixing or annexing it to or with any other manner to mark it on or incorporate it withwith -

(a) the food or the goods themselves; or

(b) anything in, on or with the food or goods are supplied .

(2) All services in relation to the food or goods which shall be intended to be marked in accordance to paragraph 3 and 4 shall be marked in any manner which may be consider as referring to the said service including in the premise where the service is provided.

Application for certification and fee

7. (1) Any application for the certification and the halal certificate shall comply with all the requirements as deemed fit by the Chief Director of JAKIM.

(2) The fee for the application for the certification and the halal certificate is in accordance to Schedule 3.

Offence

8. Any person who supplies or offers to supply any food, goods or service in relation to the food or goods which deems to be in contrary to this Order shall be liable and upon conviction -

- (a) if the person is an incorporated body, shall be punished with fine not exceeding two hundred and fifty thousand ringgit and for every second or subsequent offence shall be liable to fine of five hundred thousand ringgit; or
- (b) if the person is not a body corporate, shall be punished with fine not exceeding one hundred thousand ringgit or with imprisonment for a term of not more than three years and for every second or subsequent offence and for maximum penalty of two hundred and fifty thousand ringgit or imprisonment of not more than five years or to both.

Transition

9. (1) Any food or goods existing in the market before the commencement of this Order which intended to be described as halal shall comply with paragraph 3 or 4, -within one year from the date of enforcement of this Order.

(2) Any imported food or goods which is intended to be describes as halal shall comply with paragraph 4 within one year from the date of enforcement of this Order.

Schedule 1



Schedule 2

Recognised foreign halal certification body

Schedule 3

Fees

- a) Small Industry is RM 100;
- a)b) Medium small Industry is RM 400;
- a)c) Multi National Company is RM 700
- a)d) Slaughterhouse :
 - Small premise is RM 100
 - Medium size premise is RM 400
 - Big premise is RM 700
- e) Food premise/restaurant/catering and hotel is RM 100 for each premise.

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Minister of Domestic Trade
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