

2011  
2011  
P.U. (A)  
WARTA KERAJAAN PERSEKUTUAN  
*FEDERAL GOVERNMENT*  
*GAZETTE*  
TRADE DESCRIPTION ACT 2011  
[AKTA 730]  
TRADE DESCRIPTION (DEFINITION OF 'HALAL')  
ORDER 2011  
DISIARKAN OLEH/  
*PUBLISHED BY*  
JABATAN PEGUAM NEGARA/  
*ATTORNEY GENERAL'S*  
*CHAMBERS*

**TRADE DESCRIPTION (DEFINITION OF 'HALAL') ORDER 2011**

IN exercise of the powers conferred by section 28 of the Trade Description Act 2011 [Act 730 ], the Minister makes the following order:

**Citation and commencement**

1. (1) This Order may be cited as **Trade Description (Definition of 'Halal') Order 2011**.
- (2) This Order shall come into operation on **1 January 2012**.

**Interpretation**

2. In this Order , unless the context otherwise requires—  
“food” includes every article manufactured, sold or represented for use as food or drink for human consumption or which enters into or is used in the composition, preparation, preservation, of any food or drink for human consumption and includes confectionary, chewing substances and any ingredient of such food, drink, confectionary or chewing substances;  
“Hukum Syarak” means the Laws of Islam according to Mazhab Shafie, or the Laws of Islam in any of the other Mazhabs of Hanafi, Maliki or Hanbali which are approved by the Yang di-Pertuan Agong to be in force in the Federal Territory, Penang, Melaka, Sabah and Sarawak or the Ruler of any State to be in force in the respective State;  
“fatwa” means any religious decree which are verified by the any authority related to the religion of Islam.

**“Halal” defined.**

3. (1) When food or goods or service in relation to the food or goods used in the course of trade or business is described as “halal” or by any other expression indicating that Muslims are permitted to consume or use such food or goods or service, means the food or goods or service in relation to the food or goods:
  - (a) neither is nor consist of or contains any part or matter of an animal that a Muslim is prohibited by Hukum Syarak to consume or that has not been slaughtered in accordance with Hukum Syarak and fatwa;
  - (b) does not contain anything impure according to Hukum Syarak and fatwa;
  - (c) does not intoxicate according to Hukum Syarak and fatwa;
  - (d) does not contain any parts of a human being or its yield which are not allowed by Hukum Syarak and fatwa;

- (e) is safe to be used or consumed, not poisonous or hazardous to the health;
- (f) has not been prepared, processed or manufactured using any instrument that was not free from anything impure according to Hukum Syarak;
- (g) has not in the course of preparation, processing or storage been in contact with, mixed, or in close proximity to any food that fails to satisfy paragraph (a) and (b).

**“Service in relation to the food and goods” defined.**

4. For the purpose of these Regulations, “service in relation to the food and goods” includes the storage, transportation and retail of such food and goods.

**Offence**

5. Any person who supplies or offers to supply any food, goods or service in relation to the food or goods which is described as ‘halal’ or any other expression which is not in compliance with this Order shall be guilty of an offence.

**Offence for an act of deceit or mislead**

6. (1) Any person who supplies or offers to supply any food through any representation or an act which is likely to deceive or mislead those who have been supplied or offered to be supplied that the food is either “halal” or can be consumed by Muslim commits an offence.

(2) Save in accordance of the interpretation of “representation and conduct” as in subparagraph (1), the representation or conduct includes the usage of holy words of Al-Quran (*ayat* □ *ayat suci Al* □ *Quran*) or any matter or object in relation to Islam either in the premises of which such food is sold or in the container of which such food is supplied;

(3) In any proceeding for the offence under subparagraph (1), the onus in proving that the food which is being supplied or offered to be supplied is “halal” in accordance with paragraph (3) shall lie on the person charged.

**Penalty**

7. Any person who is guilty of an offence under this Order shall on conviction be liable—

(a) if such person is a body corporate, to a fine not exceeding five million ringgit and for a second or subsequent offence to a fine not exceeding ten million ringgit; or

(b) if such person is not a body corporate, to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding three years or to both and for a second or subsequent offence to a fine not exceeding five million ringgit or to imprisonment for a term not exceeding five years or both.

Made 2011

[KDPN(PUU)(PU2)26/5/5; ]

**DATO’ SERI ISMAIL SABRI BIN YAAKOB**

*Minister of Domestic Trade,  
Cooperative and Consumerism*

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

a)b) it is marked with a logo as specified in Schedule 1. **Formatted:** Bullets and Numbering

3

(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.

**Formatted:** Bullets and Numbering

Made on 2011

[KDPN (PUU) (PU2)26/5/5; ]

**DATO' SERI ISMAIL SABRI BIN YAAKOB**

*Minister of Domestic Trade*

*Cooperatives and Consumerism*