

FOOD SAFETY, MISREPRESENTATION AND HALAL INTEGRITY: A CASE STUDY OF PUBLIC PROSECUTOR V WEE MEE INDUSTRIES CO SDN BHD (1986) 1 MLJ 505

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ABSTRACT

The case of *Public Prosecutor v Wee Mee Industries Co Sdn Bhd* (1986) 1 MLJ 505 is widely recognised as one of the most significant judicial decisions concerning food integrity, consumer protection and halal regulation in Malaysia. The case occurred due to the marketing of instant noodles produced by Wee Mee Industries, marked as "Halal" and "Edible Vegetable Oil", however, the scientific analysis showed that the seasoning powder contained animal fats. The case brought up the legal questions regarding the interpretation of false trade descriptions, the importance of scientific analysis in proving the case related to food crimes and the way how religious concepts like halal could be enforced via secular law. While the Respondent was acquitted of the charge related to the false use of the halal description because of weak proof regarding the applicability of Hukum Syarak in Sarawak, the conviction for making a false description of the ingredients of the food was affirmed. Thus, this judgment set the precedent regarding the interpretation of materially false descriptions and showed the key importance of forensic science in detecting food frauds.

Introduction

The global community is aware that Malaysia is one of the major centres of the halal industry. Trust of consumers that follow the principles of Islam regarding the quality of halal products largely depends on the reputation of the manufacturer, effectiveness of regulatory bodies and sufficient enforcement. As halal in the country where the majority of citizens are Muslims is not just an issue of trade but rather religious matter which affects purchasing decisions, any form of misrepresentation can have negative consequences, breach consumer rights and undermine the integrity of the entire halal system in the country (Zakaria & Ismail, 2015).

The relevant law regulating such cases belongs to the field of trade legislation and consumer protection legislation. Prior to the Trade Descriptions Act 2011, the main act regulating misleading representations about the quality of goods and services was the Trade Descriptions Act 1972. It was aimed at preventing misleading representations about the quality of goods and services and protecting consumers from the misleading conduct of businesses (Ahmad et al., 2016). In the case of halal, the Act served as a legal tool for enforcing halal representations.

Public Prosecutor v Wee Mee Industries Co Sdn Bhd is one of the key examples where the issue of halal meets the law of trade and forensic science. First, the case is important as it pointed out the shortcomings of using visual inspection for verifying food authenticity and the importance of using scientific means. Second, the court's ruling explained the notion of materiality in cases of false trade descriptions stating that the amount of falsehood could not be determinative of whether it was material and what mattered was the importance of the matter to consumers (Muhamad Nazari et al., 2023). The case therefore remains highly relevant to contemporary discussions concerning food fraud, halal assurance systems and regulatory compliance within the food industry.

Facts of the Case

It is reported that the facts leading to the suit were initiated from an inspection carried out by enforcement officers on 14th May 1980 at the premises of Wee Mee Industries Co. Sdn. Bhd located at the Bintawa Industrial Estate in Kuching, Sarawak (Public Prosecutor v Wee Mee Industries Co Sdn Bhd, 1986). During the course of the inspection, the officers found numerous packs of instant noodle products meant for sale. The products found included over fifteen thousand packets of noodles marked with the word "Halal" and some thousands of cartons of curry flavored instant noodles branded "Horlic". It was observed that the packet labeled as Horlic contained "Edible Vegetable Oil" as one of its ingredients (*Public Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986).

As part of the investigation process, the seasoning powder was sent to a government chemist who analyzed the same in his laboratory. The main objective of the test was to determine whether the declaration of the ingredients on the product label was accurate or not. After conducting a number of tests, the chemist found that the seasoning powder contained animal fat (*Public Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986). The findings were subsequently documented in an official laboratory report which was submitted as evidence during the trial.

The discovery of animal fat immediately raised concerns regarding both the halal status of the product and the accuracy of the ingredient declaration. Based on these findings, the company was charged under section 3(1)(a) of the Trade Descriptions Act 1972. The first charge alleged that the use of the word "Halal" constituted a false trade description because the product allegedly failed to satisfy the requirements stated under the Trade Descriptions (Use of Expression "Halal") Order 1975. The second charge alleged that the description "Edible Vegetable Oil" was false because the seasoning powder contained animal fat which had not been informed to consumers (*Public Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986).

The Magistrates' Court eventually acquitted the company on the first charge relating to the halal description but convicted it on the second charge concerning the misrepresentation of ingredients. Dissatisfied with the outcome, both parties appealed. The Public Prosecutor challenged the acquittal on the halal charge, while the respondent appealed against the conviction for the false ingredient description. These appeals subsequently came before the High Court.

Issues Related to Halal Forensic

A central issue in this case was the manufacturer's failure to manage halal requirements by ensuring the accuracy of information related to product ingredients. The instant noodles were marketed as containing "edible vegetable oil" however, laboratory analysis confirmed the presence of animal fat that was not declared on the product label (*Public Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986). This situation illustrates weaknesses in raw material control systems, ingredient documentation, and supplier verification. From a halal management perspective, every ingredient used in food production must be recorded, its source verified, and its use monitored to ensure that no component capable of affecting the halal status of the product is introduced. Failure to implement these controls may lead to food fraud and undermine the confidence of Muslim consumers (Muhamad Nazari, 2023).

In addition, the case illustrates issues of compliance with the relevant legal provisions and halal requirements that were applicable at the time. Food products carrying the description "Halal" have to adhere to the requirements of the Trade Descriptions (Use of Expression "Halal") Order 1975 and Trade Descriptions Act 1972. Even though the court found the respondent not guilty of the charges filed for the use of the expression "Halal" due to technical inadequacies in the proof process, it is noteworthy that misleading description regarding the ingredients used in the product was considered a false trade description (*Public Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986). It is clear from the case that halal compliance is not only about proving the status of the halal food but also about providing accurate labeling and information (Zakaria & Ismail, 2015).

Under the concept of halal science, the most significant problem was that one could not verify the existence of animal fat through visual inspection. The existence of such an element could be confirmed only through scientific testing done by government chemists. This particular case demonstrates that it is essential to use not only the claims of the manufacturers but also credible scientific data in the process of verifying the product. In this regard, under the conditions of today, the methods of halal forensics include such techniques as polymerase chain reaction, chromatography, mass spectrometry and DNA testing in order to determine the origin of ingredients used in the production of foods (Usman et al., 2023).

There are other issues raised by the case that concern proving syariah law in civil cases. Even though it has been proved in the laboratory that there was animal fat in the concerned product, it was also necessary for the prosecution to prove that the presence of the animal fat made the product non-conformable to the definition of the word "halal" given in the Hukum Syarak mentioned in the Trade Descriptions (Use of Expression "Halal") Order 1975. The court ruled that the prosecution did not produce enough proof regarding syariah law in Sarawak and the issue could not be proved through suitable experts (*Public Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986). This indicates that, in halal forensics, scientific evidence alone is insufficient to secure a conviction in cases involving halal requirements. Instead, the scientific findings must be supported by a clear legal explanation grounded in syariah principles to determine whether a particular ingredient or product truly meets the halal requirements under Islam (Alam et al., 2025).

Law Applicable

The primary legislation regulating the dispute was the Trade Descriptions Act 1972. Section 3(1)(a) prohibited any person from applying a false trade description to goods supplied in the course of trade (Akta Perihal Dagangan 1972). The objective of this provision was to ensure that consumers received accurate information regarding the nature, composition and characteristics of products offered for sale.

Section 5 of the Act further provided that a trade description would be considered false if it was false to a material degree (Ahmad et al., 2016). The interpretation of this provision became central to the dispute because the court had to determine whether the omission of animal fat from the ingredient list constituted a material falsehood. In addition, section 18 prescribed penalties for violations of the Act, while section 19 established the limitation period within which prosecutions had to be commenced.

The case also involved the application of the Trade Descriptions (Use of Expression “Halal”) Order 1975. Under the Order, food described as halal must not contain any substance prohibited under Hukum Syarak and must comply with Islamic principles (Trade Descriptions (Use of Expression “Halal”) Order, 1975). Consequently, determining whether a product was halal required reference to Islamic legal concepts included into secular legislation.

Judgment of the Court

The High Court agreed with the acquittal of the respondent with regard to the charge of ‘halal’. According to Justice Tan Chiaw Thong, the word “Halal” was a technical term which was used in the context of subsidiary legislation. Since the prosecution could not prove how Hukum Syarak applied to Sarawak and what was the extent of non-compliance with the provisions of that Order, the prosecution failed to discharge its burden of proof beyond any reasonable doubt (*Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986).

In the case of the second charge, the court took another decision. Justice Tan considered the report of the chemist as a conclusive piece of evidence proving the use of animal fat in the seasonings powder. While there could be the presence of vegetable oil in the powder as well, it was held that the consumer was entitled to know about the inclusion of animal fat in the product. Through naming the ingredient as “Edible Vegetable Oil”, the manufacturer was providing misleading information regarding the nature of the product (*Prosecutor v Wee Mee Industries Co Sdn Bhd*, 1986).

The court further rejected the defence argument that the quantity of animal fat was insignificant. Justice Tan emphasised that materiality should not be interpreted solely in quantitative terms. Instead, the significance of the undisclosed ingredient to consumers must also be considered. In a society that includes a substantial Muslim population, the presence of animal fat is a matter of considerable importance because it directly affects religious dietary obligations. Consequently, the omission constituted a material false description regardless of the amount involved.

The court also dismissed the respondent’s argument that the prosecution was time-barred. According to the judgment, the relevant facts were only discovered when the chemist’s report confirmed the presence of animal fat. Since the prosecution was initiated within the statutory period calculated from the date of discovery, the proceedings were valid.

Analysis

The decision in *Public Prosecutor v Wee Mee Industries Co Sdn Bhd* demonstrates the essential role of forensic science in halal management and food regulation. The case illustrates that halal assurance cannot depend exclusively on declarations made by manufacturers. Scientific verification is necessary to ensure that products genuinely comply with the representations made to consumers (Usman et al., 2023). In this regard, the government chemist functioned as an essential bridge between scientific evidence and legal enforcement.

The judgment also serves as an early example of halal forensic investigation in Malaysia. At the time, analytical techniques were relatively limited compared to modern standards. Nevertheless, the successful detection of animal fat established an important precedent for future enforcement actions. Today, halal forensic laboratories employ advanced technologies such as gas chromatography, liquid chromatography, polymerase chain reaction (PCR), DNA sequencing and mass spectrometry (Usman et al., 2023). These techniques enable regulators to identify prohibited ingredients with a high degree of accuracy and are frequently used in investigations involving food fraud and halal non-compliance.

Another significant contribution of the case lies in its interpretation of materiality. The court recognised that the significance of a false statement depends on consumer expectations and the context in which the representation is made. For Muslim consumers, the presence of animal fat may determine whether a product can be consumed (Mortas et al., 2022). Thus, any non-disclosed animal substances would be significant. Such an approach is based on the consumer-centric interpretation of trade law and emphasizes the notion that there is a need for full and truthful disclosure by manufacturers.

The given case also illustrates the issue of food fraud. Food fraud means the intentional manipulation with foods by businesses in order to increase economic benefits (Wu et al., 2024). The examples of food fraud are ingredient substitution, product contamination, food fraud through labeling or certification. In the given case, the lack of information about the animal fat in the product resulted in consumers' inability to receive sufficient information needed to purchase products. Thus, the food fraud was committed by the manufacturer and damaged the credibility of the food regulatory system.

In terms of halal management practices, the case shows the necessity of complete control of the entire supply chain. Halal guarantee systems demand that each business needs to guarantee the halal status of all ingredients, processing aids, additives and packing materials utilized for producing the products (Jeffrey, 2026). Businesses need to keep record of all processes and audit suppliers. The utilization of tracing technology will allow manufacturers to determine the origin of the ingredients utilized in the products.

Moreover, the acquittal with regard to the halal charge reflects yet again the intricate nature of implementing Islamic law principles within the framework of enforcement systems. In spite of the scientific proof of the presence of animal fat, the prosecution still had to show that this product does not correspond to the legal definition of halal under the legislation. Thus, we can conclude that it is impossible to conduct successful enforcement without following the procedures strictly.

The lessons learned from this case are no less important at the present moment. The halal industry in Malaysia has become a multibillion global business. As a result, the threat of contamination, substitution and falsification of the labels increases with every year. Hence, the regulatory bodies have to work hard on their enforcement.

Conclusion

Public Prosecutor v Wee Mee Industries Co Sdn Bhd (1986) 1 MLJ 505 is considered one of the most significant Malaysian cases dealing with food law, consumer protection and regulation of halal. This case emphasized that scientific proof is an essential component in identifying any concealed ingredient and establishing a violation of food regulations. Also, it was noted that materiality in terms of trade description law should be examined taking into consideration the significance of providing consumers with information instead of just examining quantity. Despite the failure of the prosecution to prove that halal requirement was violated because of evidentiary flaws connected with *Hukum Syarak*, the conviction of false identification of the product ingredients was important to establish that manufactures should provide information regarding their products.

References

- Ahmad, F., Hussein, M. Z., Roslan, N. F., Husny, Z. J., Rahim, A. N. S., & Ramzi, M. (2016). A study on application of false trade description towards halal food products. *International Journal of Supply Chain Management*, 5(2), 127–130.
- Alam, A., Fuadati, A. R., Fathma, A., Nordin, N., & Ullah, I. (2025). Halal awareness in contemporary Muslim societies: A systematic review of Scopus-indexed studies. *Journal of Fatwa Management and Research*, 30(3), 215–238.
- Jeffrey, E. (2026). *HALAL certification Malaysia: Complete guide to JAKIM certification process*. Malaysia. (1972). *Akta Perihal Dagangan 1972* (Akta 87).
- Malaysia. (1975). *Trade Descriptions (Use of Expression “Halal”) Order 1975*.
- Mortas, M., Awad, N., & Ayvaz, H. (2022). Adulteration detection technologies used for halal/kosher food products: An overview. *Discover Food*, 2(1), Artikel 15. <https://doi.org/10.1007/s44187-022-00015-7>
- Muhamad Nazari, N. N. A., Abu Bakar, E., & Muhammad Arif, A. M. (2023). Consumer protection against the false description of halal in e-commerce. *UUM Journal of Legal Studies*, 14(2), 657–675. <https://doi.org/10.32890/uumjls2023.14.2.10>
- Public Prosecutor v Wee Mee Industries Co Sdn Bhd* [1986] 1 MLJ 505.
- Usman, I., Sana, S., Afzaal, M., Imran, A., Saeed, F., Ahmed, A., Shah, Y. A., Munir, M., Ateeq, H., Afzal, A., Azam, I., Ejaz, A., Nayik, G. A., & Khan, M. R. (2023). Advances and challenges in conventional and modern techniques for halal food authentication: A review. *Food Science &*

- Nutrition*, 12(3), 1430–1443. <https://doi.org/10.1002/fsn3.3870>
- Wu, L., Tang, H., Dai, X., Chen, X., & Zhang, J. (2024). Prevention of food fraud and fraud emulation among companies in the supply chain based on a social co-governance framework. *Heliyon*, 10(9), Artikel e30340. <https://doi.org/10.1016/j.heliyon.2024.e30340>
- Zakaria, Z., & Ismail, S. Z. (2015). The development of regulations concerning halal through Trade Description Act 2011 in Malaysia. *Jurnal Syariah*, 23(2), 189–216.