

FOOD SAFETY BREACH AND ITS IMPLICATIONS ON HALAL INTEGRITY: A CASE STUDY OF GERBANG ALAF RESTAURANTS SDN BHD (FORMERLY GOLDEN ARCHES RESTAURANTS SDN BHD) V CHAI SU LIN & ANOR (2023) 5 MLJ 491

^{i,*} Muhammad Zul Arif Sabarudin

ⁱ Faculty of Syariah and Law, Universiti Sains Islam Malaysia (USIM), 71800, Nilai, Negeri Sembilan, Malaysia

*(Corresponding author) e-mail: zularifsb@gmail.com

Article history:

Submission date: 1 September 2025

Received in revised form: 30 October 2025

Acceptance date: 7 November 2025

Available online: 10 December 2025

Keywords:

Halal Forensics, contractual dispute, burden of proof, total failure of consideration, halal governance, project management, documentary evidence

Funding:

This research did not receive any specific grant from funding agencies in the public, commercial, or non-profit sectors.

Competing interest:

The author(s) have declared that no competing interests exist.

Cite as:

Sabarudin, M. Z. A. (2025). Food safety breach and its implications on halal integrity: A case study of Gerbang Alaf Restaurants Sdn Bhd v Chai Su Lin & Anor. *INSLA E-Proceedings*, 8(1), 39-46.



© The authors (2025). This is an Open Access article distributed under the terms of the Creative Commons Attribution (CC BY NC) (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited. For commercial re-use, please contact penerbit@usim.edu.my.

ABSTRACT

Food safety is a crucial aspect of halal integrity, for in Islam, the halal must also be safe, clean, and wholesome so it can be eaten. This study uses case analysis on *Gerbang Alaf Restaurants Sdn Bhd (formerly Golden Arches Restaurants Sdn Bhd) v Chai Su Lin & Anor (2023) 5 MLJ 491* to discuss the correlation between the breach of food safety and the integrity of the halal. The study employs doctrinal legal research and a case study analysis with the court judgment, the legislation, halal standards and literature used to analyze the case. The findings indicated that there was a breach of food safety as much as repeated hygiene failures which led to regulatory enforcement and eventually the termination of the franchise agreement which included rat droppings and cockroach infestations. Documentary evidence, including inspection reports, pest control records, health authority notices, showed the current non-compliances and revealed the shortcomings of the food safety and halal management system implementation from a halal forensic point of view. The study also underscores that food safety issues impact the *toyyiban* dimension of halal which in turn impacts consumers' confidence and the integrity of halal certified organizations. It concludes that it is necessary to always comply with food safety regulations, as well as be able to implement good Halal Control Systems and to have good hygiene management practices ahead of the game to maintain the halal integrity. The case draws attention to the necessity of establishing a sustainable halal assurance process that incorporates halal principles and food safety to maintain the trust of consumers in the halal industry.

Introduction

With increasing awareness of consumers regarding the importance of buying products that meet the Islamic standards, the halal business is among the fastest-growing sectors in the world. Halal certification in Malaysia ensures food products and services meet the requirements of the Islamic law. However, ensuring that ingredients and the production process are halal compliant is only the first step. It includes the more general idea of *Halalan Toyyiban*, which requires that food be healthful, safe, hygienic, and fit for human consumption in addition to being legal (halal). Therefore, food safety is crucial for maintaining the authenticity of halal. Food safety is very critical to maintaining halal integrity.

Halal integrity is the process of ensuring the halal status of food from procurement to processing, preparation, storage, transport, service and its final use. If there is any loss in food safety, regardless of the halal nature of all the ingredients, the integrity of halal-certified products and services could be compromised. This is because Islam has laid a very great emphasis on hygiene, cleanliness and protection of human health. Tainted food or food cooked in an unhygienic way is not of the nature of toyyiban and may lead to loss of customers' confidence in halal-certified enterprises.

The halal forensic perspective can be a valuable source of information for food safety violations in terms of the effectiveness of the company's Halal Control System (HCS). Regular infestations and or failure to maintain sanitation standards or to follow hygiene guidelines can be a sign of structural issues in the management of operations. To ascertain if an organization has complied with its duties in upholding halal integrity, such instances can be examined using documentation evidence, inspection reports, and regulatory actions.

This assignment will discuss the case of *Gerbang Alaf Restaurants Sdn Bhd (previously Golden Arches Restaurants Sdn Bhd) v. Chai Su Lin & Anor* (2023) 5 MLJ 491. The case is particularly interesting because it highlights the consequences of the persistence of food safety issues, not only for business processes and contractual matters, but also for the trustworthiness of halal food services. The objective of this study is to illustrate the close link between food safety and the integrity of halal by analysing the facts of the case, the evidence submitted to the Court and the consequences of the decision.

Fact of the Case

The dispute began when Chai Su Lin had a dispute with another respondent, who had a franchise agreement with McDonald's to run McDonald's restaurants, and Gerbang Alaf Restaurants Sdn Bhd (GAR), a McDonald's master franchisee responsible for running McDonald's restaurants in Malaysia. The respondents had to operate and operate the restaurant in accordance with the standards of the McDonald's system. Specifically, the franchisee was required under Clause 18(b) of the Franchise Agreement to "maintain the restaurant in a clean, healthful and well-maintained state".

The appellant conducted several inspections while the restaurant was operating and found various hygienic problems. During these inspections, various pests such as rats, rat droppings, cockroaches and other sanitary issues were identified. Appellant contended that these findings indicated that the required standards of hygiene and food safety have been breached and constitute a recidivism of the franchisee's obligations under the Franchise Agreement.

The hygienic issues soon came to the attention of the Ministry of Health. A rat was found with droppings and a dead cockroach on December 13, 2017, when the restaurant was inspected by health officials. The Ministry of Health, based on these findings, issued an order under Section 11 of the Food Act 1983, ordering the eatery to be closed for 14 days. Withdraw of this closure order was indicative of the severity of hygienic problems and potential health hazards.

The respondents addressed the shortcomings found by the authorities by taking corrective action after the closure order. A cleanliness score of 96.6 percent was obtained at a check-up the following day by the Ministry of Health, after which the eatery was re-openable. In response, however, Gerbang Alaf Restaurants Sdn Bhd stated that the restaurant had a history of continuous hygienic violation and terminated the franchise agreement as provided in the Franchise Act 1998, Section 31(3)(d).

The respondents challenged the termination saying that they had always taken necessary measures when encountered with any problem. They claimed that the Franchise Agreement couldn't be terminated as previous violations had been rectified. Ultimately the battle was fought in a court of law, and the central issue was whether the termination was legal.

Summary of The Case

The main question at issue was whether there was sufficient justification to terminate the Franchise Agreement for the failure of the respondents to comply with the cleanliness and operation requirements set out in the agreement, which is alleged to have occurred repeatedly.

Under the Franchise Agreement, Clause 18(b), the appellant alleged that the defendants have been negligent in maintaining a hygienic and healthy restaurant all along. The appellant relied on inspection reports, pest control records, warning notices and evidence of an order issued under the jurisdiction of the Ministry of Health to demonstrate a persistent pattern of non-compliance. The appellant argued that these consistent breaches constituted "good cause" for the termination under Section 31(3)(d) of the Franchise Act 1998, which provides a ground for termination if a franchisee is "a frequent failure to comply with any of the conditions of the franchise agreement".

The respondents, however, argued that whenever issues were detected, they have taken immediate corrective actions to address the issues. They said the Ministry of Health had rated the restaurant 96.6 percent clean, which meant it had been allowed back on its feet, and that the restaurant had addressed the problems raised by the inspectors. Consequently, the respondents have stated that the alleged infringements were not so egregious to warrant termination.

Initially, the respondents won their case before the High Court. The court found that the appellant failed to demonstrate persistent non-compliance on a level to justify termination, and that the respondents had acted proactively to overcome the deficiencies identified. The court also ruled that noncompliance that had been remedied was not enough to warrant termination.

After that the case was appealed. After reviewing the facts and the laws pertaining to franchise termination, the Court of Appeal came to a different judgment. The appellate court held that the continuous hygienic lapses were sufficient grounds for termination under the Franchise Act and were a material breach of the Franchise Agreement. The decision highlighted the legal consequences of continued breaches of food safety regulations and reiterated the importance of maintaining consistent food safety practices.

Means of Evidence

To determine if food safety regulations have been complied with and if an organization has met legal and halal requirements, evidence is key to halal forensic investigations. The court in this case considered a few documentary and observable evidence methods to determine if the defendants had consistently failed to maintain the restaurant in a hygienic and healthy condition. These types of proof were key to establishing the existence of hygienic problems and whether the respondents adhered to the conditions of the franchise agreement.

The appellant's store inspection reports were one of the main types of evidence that the court heard. A periodic inspection to evaluate the restaurant's operation and compliance to the criteria set by McDonald's. Reports described several issues related to pests and areas needing cleaning. The frequent findings reported in these papers did not occur in isolation, but instead, there was a pattern of hygiene problems. Inspection reports provide important documentary evidence from a forensic perspective and are essential because they provide a historical record of observations made by individual experienced inspectors and enable the investigator to identify any recurring patterns and operational weaknesses.

Professional pest management firms' pest control records were also taken into consideration by the court. These documents showed multiple pest control treatments had been carried out due to the infestation of rats and cockroaches within the restaurant. If the restaurant was subject to regular pest control activities over an extended period, it could indicate an ongoing problem with pests. If the restaurant has been regularly subject to pest control measures for a long time, this may be a sign of an ongoing pest problem.

These records are very relevant in a 'halal forensic examination' as they can be used to identify whether there has been a risk of contamination successfully managed and whether there has been a suitable measure put in place to prevent contamination.

Another piece of evidence, equally significant, was an inspection by the officers of the Ministry of Health. Health inspectors found rat droppings and a dead cockroach on the restaurant's property on December 13, 2017. Due to the inspection, the Ministry of Health ordered the restaurant to close under Section 11 of the Food Act 1983 for 14 days. This official action was good independent evidence of the poor cleanliness of this establishment. The Ministry of Health conclusions were particularly important as they were made by a regulator responsible for enforcing food safety laws and protecting public health.

The court considered the court's letters, inspection reports and regulatory findings. These materials included warning letters, letters of notification of default, audit results, and letters of communication about required corrective actions by the appellant. The letter described how the responses had been informed about the sanitation concerns multiple times and had been provided with solutions to address the concerns. It helped to establish whether the respondents knew about the issues and if they had made good efforts to resolve them.

The court also received evidence from witnesses to explain the significance of the document evidence. Testimonies from inspectors, management staff and other relevant persons provided explanations of the actions taken by both parties and provided background to the findings of the inspection. The court considered evidence that was given when the restaurant was approved to reopen and the cleanliness score was 96.6% due to corrective measures. This material was used by the respondents to demonstrate that they have addressed the problems identified by the authorities in a timely manner.

In this instance, the evidence underscores the importance of detailed records of inspections, corrective actions, pest management activities and compliance with regulations from a halal forensic perspective. This kind of documentation also provides valuable forensics information in court proceedings to see if halal regulations and food safety standards have been consistently observed. The court was able to evaluate the extent of the hygienic shortcomings and how this impacted on food safety and operational integrity, considering inspection reports, pest control records, regulatory conclusions, correspondence and witness statements.

Issues Involving Halal Forensics in a Decided Case

Although the case's primary concern was the end of a franchise agreement, it also raised several important halal forensic issues related to food safety, contamination risks, hygiene and integrity of halal food. From a halal forensic perspective, the food safety issues that underpinned the lawsuit are key and not the contractual dispute.

The existence of pest infestations in a place used for food preparation is one of the main halal forensic concerns in this situation. The presence of cockroaches and rat feces inside the restaurant indicates a significant issue with hygiene, which could compromise food safety. Rats and cockroaches have been known to hide numerous pathogenic bacteria, which may be responsible for causing food borne illnesses, including *Salmonella* spp., *Escherichia coli*, and *Campylobacter* spp. They can cause serious risk of contamination through direct contact with food, food contact surfaces, utensils and food storage areas. Detection of these pests in a food service environment would indicate biological contamination if found from a forensic viewpoint.

Another important question is that of Halalan Toyyiban. Although halal certification is often associated with the allowability of ingredients, Islamic traditions require food to be both halal and healthful. The toyyiban philosophy stresses on cleanliness, safety, quality, and eating fitness. Thus, even if all the ingredients are halal certified, the food may not be halal if it is cooked in a setting where there is a possibility of pests contaminating the food. This demonstrates that in addition to verifying ingredients, maintaining hygienic conditions during all the processes involved in preparing and serving food is also part of the Halal integrity.

The case also highlights potential issues with the implementation of Halal Control System (HCS). A Halal Control System is designed to ensure continuous compliance with halal standards through systematic monitoring, documentation, remediation and management oversight. As the pest infestations were recurring, it is likely that these infestations were not prevented by the control measures applied. Repeated hygiene violations can be seen as signs of structural flaws in organizational management and operational practices from a halal forensic standpoint.

Food safety deficiencies and their impact on consumer confidence is another key issue. Trust of the public plays a major role in halal certification. Customers rely on the businesses to maintain high standards of safety and hygiene besides providing food free from prohibited ingredients. When there are complaints about insect infestations, customers may wonder about the authenticity of the establishment's halal assurance system. Therefore, there is a risk of damage to the reputation beyond legal repercussions if there is a food safety error, which has the potential to affect the perception of halal purity.

The case serves as further evidence of the use of documentation evidence in halal forensic investigations. Inspection reports, pest control records, closure notifications and audit results helped with the evaluation of whether food safety requirements were met. These records offer unbiased proof that can be utilized to assess adherence to halal regulations and pinpoint areas in need of remedial action. Thus, the integrity and authenticity of any halal certified activities rely on forensic documentation to a great extent.

In conclusion, the halal forensic cases in this case reflect the strong association between halal integrity and food safety. The presence of pests, potential contamination, inadequate hygiene practices, and consumer confidence issues are just a few of the food safety concerns that can impact halal assurance and certification. The problems also emphasize the need for continuous monitoring and effective management systems to ensure that all halal certified businesses can always meet Islamic standards and food safety regulations.

Halal Management, Standards, and Regulation

To guarantee the safety of food in halal certified establishments, the standards of Halal, law and internal management systems all play their parts. The purpose of these guidelines is to ensure that food products are not only halal, but safe, hygienic and suitable for human consumption. Continuous failure in the condition in terms of hygiene brings up serious concerns regarding the compliance of the relevant food safety legislation and halal management standards.

MS 1500: 2019 is one of the most crucial standards concerning halal food production in Malaysia which is Halal Food General Requirements. This standard offers extensive guidelines for preparing, handling, processing, packing, storing, transporting and serving halal foods. It stresses the need for food premises to be kept in a hygienic condition and kept away from contamination. The standard also imposes effective measures for the prevention of the presence of rodents, insects and other pests that could affect food safety and halal integrity in the food operations. This lack of full achievement of these hygiene objectives is illustrated by the discovery of rat droppings and cockroaches within the restaurant premises in the present case.

In addition to MS 1500:2019, all halal-certified organisations are required to follow with Manual Procedure for Malaysia Halal Certification (MPPHM) which outlines the operational standards for maintaining halal certification. The handbook has a strong focus on the importance of the use of sanitation, cleanliness and continuous observation during food operations. Food businesses need to establish procedures to identify, prevent and address any issues that may threaten the halal compliance of their food products. Pest handling is important in these processes as it can make the halal product less safe for consumption and lead to loss of faith in halal certified product by the customers.

Installing a Halal Control System (HCS) is very important in halal management. Halal control system is an internal control system that enables organisations to always keep an eye on compliance with halal standards. It involves management reviews, staff development initiatives, monitoring activities, remedial activities and documented procedures. The HCS is not only focused on remediation after the fact of discovering a non-compliance problem, but also on preventing such a non-compliance issue before it occurs. In this case, the reoccurrence of the insect infestations could indicate problems with the

restaurant's hygiene monitoring and control efforts. Recurring incidents often mean that there is a lack of preventive action or enforcement of the preventive action plan from a halal forensic perspective.

There are food outlets in Malaysia regulated by the Food Act 1983 and Food Hygiene Regulations 2009, apart from halal specific regulations. The Food Act of 1983 is the legislation that provides a legal basis to protect public health by regulating food safety standards and allowing for action to be taken against food outlets that may pose a health hazard during the course of an inspection. In this case, on 13th December 2017 during an inspection, Ministry of Health staff observed rat droppings and a dead cockroach. As a result, Section 11 of the Food Act 1983 called for the restaurant's closure. This enforcement action is a clear example of the seriousness of the hygienic deficiencies discovered within its walls, and the role that regulatory authorities play in safeguarding public health.

The Food Hygiene Regulations 2009 also impose a requirement for food premises to have satisfactory standards of cleanliness and sanitation. Food operators have a duty to keep premises free from pest infestation and to make sure that effective steps are being taken to prevent them from getting contaminated. Both regulations complement the halal standards since they share the common goal of ensuring food safety and suitability to consumption. Food safety regulations thus can help ensure the integrity of Halal, as a result.

As seen now, food safety management is closely related with halal management. Although the dispute stemmed from franchise agreement termination, the underlying issues were hygienic issues, impacting on the assurance of the foods as halal and compliance with regulation. To ensure effective halal management, a preventive approach, continuous monitoring and commitment towards food safety and cleanliness standards are essential. Legal repercussions, harm to one's reputation, and possible dangers to halal integrity could arise from noncompliance with these criteria.

Health Implications of Food Safety Breaches on Halal Integrity

The case's conclusions show that violations of food safety can have a big impact on halal integrity. While halal certification is occasionally associated with the permissibility of ingredients, halal food must be wholesome, safe, clean, and suitable for human consumption as stated by Halalan Toyyiban. Thus, any non-conformance of appropriate sanitary standards in halal certified food operations can affect the general integrity of the food operation.

One of the most significant food safety violation consequences is the potential for increased contamination risk. A risk of biological contamination through the droppings, urine, body parts and spread of dangerous pathogens when rats and cockroaches are found in food properties. Contamination can affect any surface used to prepare food, cooking appliances, storage areas and food products. In terms of Halal Forensics these contamination issues raise the question of whether the food environment has been safe and clean as per toyyiban standards or not. Even if ingredients are considered halal, the conditions where the food is produced may have an impact on the overall halal integrity.

Violations with food safety may also be indicative of failure in management and operational controls. This recurring hygiene error is suggested by the ongoing insect infestation in this instance, which means that sanitation measures were not adequate to prevent the occurrence of the infestation again. These situations may reflect inadequate management oversight, maintenance programs, monitoring programs, or employee training or skills. The weaknesses may diminish the efficacy of the Halal Control System in halal certified facilities and could increase the risk of future non-compliances. Recurring incidents often represent a systemic failure and not just a failure of one member of staff.

The case also points to the importance of being proactive about compliance, and not reactive. Although the restaurant was later rated as clean (96.6 percent) and re-opened its doors, the presence of the hygiene issues themselves remained a concern. Once a contamination risk is identified, corrective measures can't remove the risk, according to halal forensics. This highlights the importance of regular checks, continuous monitoring, and preventive management measures to prevent hygienic issues.

Finally, the case supports the concept that food safety is related to halal integrity. Beyond ingredient criteria, it's important to maintain safe, hygienic and healthful conditions at all points of food preparation and service to maintain its halal integrity. The breaches in food safety should then be considered as serious

food safety issues and dealt with through robust management systems, robust regulatory compliance and sustained implementation of the tenets of Halalan Toyyiban.

Conclusion

The relationship between halal integrity and food safety in the food service industry has been well illustrated in the following cases: *Gerbang Alaf Restaurants Sdn Bhd (previously Golden Arches Restaurants Sdn Bhd) v. Chai Su Lin & Anor* (2023) 5 MLJ 491. The frequent cases of rat droppings, cockroach infestations and lacking hygiene indicated that food safety issues can impact public health as well as on the reputation and integrity of a halal certified institution. The case provided a lot of forensic information on ongoing non-compliance with hygiene requirements, with inspection reports, pest control records and enforcement action by health authorities.

The results highlight that from the halal forensic perspective, being halal is not just about the halal ingredients. According to the Halalan Toyyiban principle, food should be wholesome, safe and clean when handling, cooking or serving. Thus, even when pesticides are not present, the presence of pests and contamination issues can lead to a failure of the toyyiban requirements and endanger the halal status. This indicates that there should be a link between violation of food safety and deficiencies in the halal assurance system.

The example also underscores the importance of implementing preventive control measures, maintaining continuous monitoring, and effective halal management to ensure consumer confidence is preserved. Poor hygiene practices may indicate issues in the implementation of the Halal Control System, pest control management and cleaning practices. Thus, it is imperative for food business owners to ensure that the requirements of the halal standards and food safety requirements are adhered to prevent such incidents.

In conclusion, this case serves as an important example of how forensic evidence can be used to assess food safety compliance and its impact on the integrity of halal. It restates the notion that halal assurance and food safety go hand in hand and that keeping halal certified restaurants clean and safe, keeping the public healthy and keeping them confident is a requirement for all stakeholders.

References

- Bonne, K., & Verbeke, W. (2008). Religious values informing halal meat production and the control and delivery of halal credence quality. *Agriculture and Human Values*, 25(1), 35–47. <https://doi.org/10.1007/s10460-007-9076-y>
- Department of Islamic Development Malaysia. (2020). *Manual procedure for Malaysia halal certification (domestic) 2020* (Edisi ke-3). JAKIM.
- Gerbang Alaf Restaurants Sdn Bhd (formerly known as Golden Arches Restaurants Sdn Bhd) v Chai Su Lin & Anor* [2023] 5 MLJ 491.
- Latif, I. A., Mohamed, Z., Sharifuddin, J., Abdullah, A. M., & Ismail, M. M. (2014). A comparative analysis of global halal certification requirements. *Journal of Food Products Marketing*, 20(S1), 85–101. <https://doi.org/10.1080/10454446.2014.921869>
- Malaysia. (1983). *Akta Makanan 1983* (Akta 281).
- Malaysia. (1998). *Akta Francais 1998* (Akta 590).
- Malaysia. (2009). *Peraturan-Peraturan Kebersihan Makanan 2009*.
- Department of Standards Malaysia. (2019). *MS 1500:2019 Halal food—General requirements* (Edisi ke-3).
- Noordin, N., Noor, N. L. M., Hashim, M., & Samicho, Z. (2014). Value chain of halal certification system: A case of the Malaysia halal industry. *Procedia - Social and Behavioral Sciences*, 121, 79–85. <https://doi.org/10.1016/j.sbspro.2014.01.1110>
- Rahman, A. A., Singhry, H. B., Hanafiah, M. H., & Abdul, M. (2017). Influence of perceived benefits and traceability system on the readiness for Halal Assurance System implementation among food manufacturers. *Food Control*, 73, 1318–1326. <https://doi.org/10.1016/j.foodcont.2016.10.048>
- Tieman, M. (2011). The application of halal in supply chain management: In-depth interviews. *Journal of Islamic Marketing*, 2(2), 186–195. <https://doi.org/10.1108/17590831111139876>
- Tieman, M., van der Vorst, J. G. A. J., & Ghazali, M. C. (2012). Principles in halal supply chain management. *Journal of Islamic Marketing*, 3(3), 217–243.

- <https://doi.org/10.1108/17590831211259726>
- van der Spiegel, M., van der Fels-Klerx, H. J., Sterrenburg, P., van Ruth, S. M., Scholtens-Toma, I. M. J., & Kok, E. J. (2012). Halal assurance in food supply chains: Verification of halal certificates using risk-based approaches. *Food Control*, 27(1), 109–119. <https://doi.org/10.1016/j.foodcont.2012.03.008>
- Yaacob, N., & Shuib, M. S. (2015). Halal assurance systems in halal food production: A systematic approach to halal integrity. *Journal of Contemporary Islamic Studies*, 1(1), 1–16.
- Zulfakar, M. H., Jie, F., & Chan, C. (2014). Halal food supply chain integrity: From a literature review to a conceptual framework. *International Journal of Productivity and Performance Management*, 63(1), 78–98. <https://doi.org/10.1108/IJPPM-01-2013-0004>