

ACADEMIC RESEARCH (CASE STUDY) REGARDING MISUSE OF HALAL LOGO AND MISLEADING LANGUAGE – LEE MAY LING V PUBLIC PROSECUTOR [2018] MLJU 1514

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ABSTRACT

Halal certification is keystone of Malaysia's food industry, ensuring compliance with religious standards while protecting consumer trust. Misuse of halal logos and misleading product labels is a serious offence under the Trade Descriptions Act 2011. This study examines the case of *Lee May Ling v Public Prosecutor [2018] MLJU 1514*, where the accused was convicted for unauthorized use of the halal logo and deceptive marketing practices. The analysis situates the case within Malaysia's broader by highlighting the role of forensic methodologies such as auditing, and certification verification in supporting enforcement and strengthening evidentiary weight in court proceedings by emphasizing strict liability, forensic integration, and policy reforms. Misleading labels not only degrades consumer confidence but also pose risks to public safety and damage business reputations. Promoting transparency and accountability in food labelling is therefore essential to ensure consumers receive truthful and reliable information about the products they consume.

Introduction

Halal is a term that derive from Arabic language which are means legal, permissible, and complies with Shariah and Islamic law (Rohman,2012). As everyone knows, the growing demand from consumers has created opportunities for both Muslims and non-Muslims entities in the Halal sector, whether it is in the food or non-food industries. Thus, food industry is crucial and important especially in Halal sector as for human beings cannot live without food (Hanni, S.N.A., et al,2022). As for this day, Muslim are more knowledgeable as compared to the generation before and they became more insisted to know and put interest in their purchase behaviour (Bamba et al.,2017). In addition, on-Muslims frequently eat halal food because of concerns about food safety, sanitation and hygiene (Yusuf et al.,2015). As from the Islamic law, the consumption of Halal foods and beverages is a compulsory for all Muslims. For instance, in Malaysia, both Muslim and non-Muslim consumers are increasingly seeking and realising halal cuisine. As from Bonne and Verbeke (2008) state that even though Muslim consumers have complied Halal food laws as a matter of religious obligation, these law not only guide the permissible ingredients but also emphasize ethical consideration in the treatment of cleanliness, animals and food preparation.

Generally, Halal certification has become keystone of Malaysia's food industry. Thus, it is not only because of its majority of Muslim consumer, but due to the country has ambition to position itself as a global Halal hub. According to Ahmad (2015), by issued Halal logo by Department of Islamic Development Malaysia (JAKIM), it is more than a religious symbol, but it represents trusty, integrity and shows the strict standards of food preparation and processing. Moreover, if the Halal logo has been misused, it will decrease the consumer confidence and threatens Malaysia's reputation in internal trade. In the case of *Lee May Ling v Public Prosecutor [2018] MLJU 1514*, it illustrates how importance if related with halal logo misuse. The accused was charged for falsely representing products as halal through unauthorized use of the logo and misleading language. This case is significant because it demonstrates how Malaysian courts enforce the Trade Descriptions Act 2011 to protect consumers from fraudulent claims. Moreover, the TDA 2011 also prohibits the application of false trade description to goods and making misleading statements about the ingredients or prices. Misuse of halal logo is one of example for false trade description. In addition, it's also shown the responsibility of halal forensic science in verifying authenticity as a forensic auditing and laboratory testing are often required to substantiate allegations of fraud (Halim & Salleh, 2017). The introduction of this case report sets the stage for a deeper exploration of how law, forensic science, and consumer protection intersect. By analysing *Lee May Ling v Public Prosecutor*, we can understand how Malaysian courts interpret statutory provisions, how forensic evidence supports enforcement, and how consumer trust is safeguarded in the halal industry.

Research Methodology

The first methodological pillar is doctrinal legal research, which involves close reading of statutes, regulations, and judicial decisions. By analyzing the *Trade Descriptions Act 2011* and its subsidiary orders, the study situates *Lee May Ling v Public Prosecutor* within Malaysia's broader legal framework on halal certification. This doctrinal approach provides clarity on how courts interpret statutory provisions in cases of logo misuse. After that, the study adopts a case study method, focusing on *Lee May Ling v Public Prosecutor* as a single, bounded case. Case study methodology allows researchers to explore the complexity of legal disputes in their real-world context, and consumer protection.

Fact of the Case

First charge:

On 12 July 2013 at about 9.00 a.m., there a photograph on Facebook were published with caption "Alvin & Vivian-Alvivi. The post also headed with "*Selamat Berbuka Puasa (dengan Bak Kut The...wangi, enak, menyelerakan!!)*" and surprisingly it displayed a Halal Logo together with images of the two individual (the appellant co-accused). The prosecution's amended charge specifically claimed publication at the Facebook URL and located the act to an apartment address: 568-14-18, Kompleks Mutiara, Jalan Ipoh, Batu 31/2, 51200 Kuala Lumpur.

After that, the investigation on the Facebook account to Alvin Tan, who admitted ownership of the account was made by Communications and Multimedia Commission (MCMC) and related witnesses which are identified in the judgement as SP2, SP3, SP4, SP8, SP9, SP12, SP13, SP18 and others. Thus, a Samsung

notebook as exhibit 19 was confiscated from the apartment rented by co-accused, Tan Jye Yee and it's contained a folder labelled "Bak Kut The png" with a picture showing him and the appellant and the caption with Halal logo. By forensic analysis made by SP9, found that picture on the notebook and the notebook itself belonged to Tan Jye Yee and there no evidence it was used by other people.

So, this case is basically an appeal by Lee May Ling against her conviction in the Session Court for an offence under Section 4 (1) (c) of the Sedition Act 1948, read with Section 34 of the Penal Code. The Session Court has sentenced the appellant to five month and 22 days imprisonment from 27 May 2026 and on appeal at High Court has dismissed the appeal of conviction but replaced with a fine of RM5000.00 with six months of imprisonment.

Charges and legal basis

For the primary charge and convicted against Lee May LING and Tan Jyw Yee were publication of a seditious publication under Section 4(1)(c) of the Sedition Act 1948, read with Section 34 Penal Code. The prosecution relied on the presence of the appellant in the photographs, the caption, the Halal logo, and the surrounding evidence to infer publication and common intention. Besides that, for the secondary charge during trial, the learned Sessions Court Judge had discussed ingredients of an offence under Section 5(1) of the Film Censorship Act 2002, but the High Court observed that the prosecution did not appeal against any acquittal under that Act and that discussion was not relevant to the appeals before the High Court. The High Court noted the joint trial of the Sedition Act charge and the Film Censorship Act charge but held that any irregularity in trying them together did not occasion a miscarriage of justice in this case.

Key factual findings relied on by the courts

There none witness saw the appellant or Tan Jye Yee physically upload the Facebook posting, but based on the photographs on P19, the Facebook account registration, its became totality of the evidence as Alvin Tan's admission as account owner, and the presence of the appellant in the images was allowed the trial court to infer that the appellant and Tan Jye Yee **had the common intention** to publish the contested posting. The court accepted the prosecution's evidence that the post had a **sedition tendency** specifically. The High Court agreed with the Sessions Court's application of the legal test for seditious tendency.

High Court set sentence which substituted a fine of RM5000.00 in default six months' imprisonment which actually the original sentence from Session Court was sentence of 5 months 22 days starts from 27 May 2016, taking into account that the appellant was a first offender, the severity of offence and the co-accused had skipped bail. The prosecution failed in its appeal against the sentence and the High Court found to conduct serious and capable of creating ill will but decided a top statutory fine was appropriate for a first offender, with imprisonment to be imposed only for afterward breaches.

Research Findings

In the analysis of case Lee May Ling v Public Prosecutor produces several key findings which is, halal forensic science is necessary to enforcement. By operating forensic auditing, chemical testing and certification verification, it provides evidence foundation for prosecution and thus without forensic methods, to prove fraudulent halal claims would be difficult in the future. Other than that, it's also shows how importance of consumer protection in Muslim life because they rely on Halal logos as a guarantee of compliance. They likely to avoid fraudulent because it would ruin the trust and exposes consumers to religious and ethical violations.

Moreover, the Halal sign is among the most crucial elements of the packaging of Halal food product. Muslims will therefore check for Halal logos on product packaging to ensure that they are safe to be eaten. Additionally, the existence of the Halal sign may indicate that the product in question is safe to eat and high quality in terms of sanitation, security and public health. However, Halal logo misuse has always been a common fraudulent in the food industry. For example, a Busan livestock company supplied 140 million won worth of chicken and duck meat using fakes Halal certificates (Choi,2015). This also same with the case Lee May Ling v Public Prosecutor which they show the Halal Logo alongside with "Bak

Kut Teh” which means pig’s soup. Even though Halal logo there, people who does not know the meaning will be misunderstood that it’s a Halal food.

In addition, there also cases that tricked the Muslim consumer by Arabic words and images related to the Islamic religion to mislead them. In 2024,56 cases of Halal fraud has been reported with fraudulent of Halal logos and certificates and its involving RM1.813 million worth of the seizures and surprisingly the fraud found were displaying Quranic verse, mosque/Kaaba imagery or using Islamic names by non-Muslim establishments to imply Halal status (Bernama,2018). This phenomenon usually seen in country that minority of Muslim. According to Yusof et al., (2015) said that one of the challenges to apply Halal Certification is costs. This statement was supported by Liow (2011) that obtaining Halal certification may increase manufacturing costs by up to 10%, largely due to the need for separate equipment, transportation, storage and production, its likely creates new burden for new businesses.

On top of that, Arif and Sidek (2015) stated that, to obtain Halal certification is a long journey and process which requires extensive documentation and inspections by local authorities. The applicants must submit a lot of supporting documents and the auditor also demanding verification Halal certification for each raw material and the ingredients listed. Moreover, the procedure also includes factory visit for inspections and ongoing verification by authentic Halal certification bodies to ensure the continuous Halal status of the raw materials and the entire process of products.

Halal Management and Provision Related.

Based on the case Lee My Ling v Public Prosecutor has shown the legal implication consequences of misusing Halal logo and related public communications. In this case, by putting Halal logo and non-Halal image was treated as misleading public statement that captured regulatory and criminal investigation. Since the Trade Descriptions (Definition of Halal) Order 2011 and the Trade Descriptions (Certification and Marking of Halal) Order 2011 established formal standards for Halal claims, businesses must recognise that displaying a Halal logo implies verified certification, traceability and new compliance. Moreover, this act aims to fix the gaps in trade and Halal law (Asa R. S,2018).Trade Description (Certification and Marking of Halal) Order 2011 also describe Halal certification and authorize Jakim and also State Islamic Religious Council to create and make a regulation of Halal logo for Malaysian food and goods.

According to Article 4 of Trade Description (Making of Food) Order 1975, states that only JAKIM and MAIN possess the ability in their respective states to verify that any food, products or services associated with food and products are Halal following the Trade Description (Definition of Halal) Order 2011 (Rahman et al.,2019). Nevertheless, despite Malaysia’s recognition as a Halal hub, the nation still has issues with the misuse of Halal logos and fraudulent Halal marketing (Zakaria,2014). In addition, JAKIM has responsibility for conduct Halal audits and Halal monitoring. Therefore, JAKIM must notify the ministry to act prior to implementation in any case of fraudulent and misuse of the Halal certificate or Halal mark, as JAKIM lacks the authority to act against any fraudulent. But gaps in the Trade Description Act of 1972 were filled with the passage of Trade Description Act 2011 (TDA 2011).

As only Malaysia that has governmental regulations to penalize the fraudulent of false Halal Description on products and services, for the penalty if anyone violate any provision stated under the Trade Description Act (Definition of Halal) Order 2011, any person will liable and convicted to a fine not exceeding RM1 million or imprisonment for a term not exceeding 3 years or both while any corporates who violates the same offences shall be liable to a fine not exceeding RM5 million. For the violation of the Trade Description (Certification and Marking of Halal) Order 2011, if it is committed by a person, then, upon conviction, he or she shall be liable to a fine not exceeding Malaysian Ringgit 100,000.00 or imprisonment for a term not exceeding 3 years or both while the penalty for a corporate body who commits the same offence is a fine not exceeding Malaysian Ringgit 250,000.00.

Furthermore, to make sure the integrity of Halal logo and Halal Description, governance also needs to measure the risk if any action is not taken. As in organisation, in regular staff training should clarify the consequences of misuse of Halal logo whether in legally, commercial and criminal risk. An auditor or committee should take serious part in review product formulation, packaging changes and promotional materials. By tracing falsely with a rapid protocol, it can reduce the harm if misuse claim arises. It’s made

clears the Lee May Ling case and Trade Description Act 2011 that Halal branding at the same time a market asset and regulated claim. To protecting the asset, it requires a strict protocol in documentation, segregation, supplier control to make sure Halal certification remains credible and trusted by Muslim consumers.

Consequently, Islam prohibits people who make a damage others by being dishonest. Even though measurements are available, some people are dishonest. Moreover, any exchange of goods whose existence or identity is questionable due to missing or incomplete information and ambiguous conditions about the contract's aim is referred to in Islam as *gharar* (uncertainty). *Gharar fahish* or extreme doubtless and *gharar yasir* or light ambiguity are the two types of *gharar*. As in line with Hadith, there are numerous instances of *gharar fahish* in contract, which are typically associated with the reasons why *gharar* sales are prohibited. On the other hand, the uncertainty that is continuously present in all contracts and actions is referred to as *gharar yasir* which means to minor or insignificant. Thus, its existence is acknowledged (Aliff et al., 2015).

Conclusion

In conclusion, Lee May Ling v Public Prosecutor [2018] MLJU 1514 is a landmark case in halal forensic law. It reinforces the principle that misuse of halal logos constitutes fraud, regardless of intent. The case illustrates how forensic auditing supports enforcement and how consumer trust is safeguarded through strict liability. It also highlights the need for policy reforms to strengthen halal integrity.

As stated in the Hadith (Sahih Bukhari):

"Both Halal and Haram are obvious. There are issues between the two that people are unsure of whether are Halal or not. The person who stays away from them to protect his honour and religion is safe"

(Al-Qaradawi, 2007)

Additionally, Tieman (2011) has cited:

"The Prophet cursed not only who consume alcoholic beverages but also those who make them, serve them, receive their payment and so on."

This is show how importance the process throughout entire supply chain network from the sources until to the finish product, not solely for the consumption only. Thus, it's become serious concern when Halal and non-Halal mixing together. Therefore, the process of product must avoid from any contact between the two in all aspects (Mohamed Syazwan & Mohd Remie, 2012). This study also concludes that displaying the Halal logo products as branding to aimed at the Muslim consumer. The Halal mark serves as a signifier point to define the concept of Halal food and safe to be consumed.

In summary, to be sure that the contents indicated on product packaging adhere to Shariah, Muslim consumers always priotise the legitimacy of the Halal logo. More than that, manufacturer or any business must avoid deceiving Halal marks to boost market share and especially for Muslim consumer. They also must fully understand and follow strictly to the certification requirements. By demand of Halal food is increased, beside Muslim bound by Islamic dietary laws, on-Muslim consumer also shows greats interest in Halal products because it can be significant as higher quality in terms of hygiene, safety and for health.

By Muslim population worldwide grows, it creates expand opportunities for Muslim to build their Halal products. Lastly, ongoing education and support should reduce gaps in Halal certification understanding and prevent from Halal logo misuse.

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