

**A FORENSIC ANALYSIS OF HALAL INTEGRITY BREACH THROUGH
MISREPRESENTATION OF HALAL STATUS: A CASE STUDY OF JMJ FOOD &
BEVERAGES SDN BHD V MOHAMAD ZUKRILLAH BIN ISMAIL & ORS [2016] MLJU 1499**

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ABSTRACT

This case study focuses on the connection between the violation of halal integrity, the representation of halal certification, and compliance with the related regulation in Malaysia in relation to the case JMJ Food & Beverages Sdn Bhd v Mohamad Zukrillah bin Ismail & Ors [2016] MLJU 1499. The issue appeared when a restaurant provided "Ramadhan Buffet" and "Selamat Berbuka Puasa" services to Muslim consumers but did not have appropriate halal certification and offered alcoholic drinks. There is no evidence that some non-halal products were included in the menu, nevertheless, the use of Islamic terms might create a possible representation of halal certification and affect halal integrity. In this respect, the case will be analyzed in view of the halal regulations, guidelines, and the Halal Forensic Pyramid Model consisting of halal management, halal regulations and standards, Islamic jurisprudence, halal science, and halal forensic investigation. The above findings indicate that a halal integrity violation is not merely using any haram ingredients in food products but also making false statements regarding its halal status, not following the halal regulations, and making religion as a marketing tool. Halal forensic analysis is needed to prove any violations related to halal integrity.

Introduction

Malaysia is recognised as a global leader in the Halal industry due to its established certification system and regulatory frameworks. The halal ecosystem of Malaysia is intended to ensure that any product or service marketed to Muslims conforms to the principle of *Halalan Toyyiban* (Noordin et al., 2009) that is complies with religious requirement and food safety and consumer protection laws. Hence, the assurance of Halal certification as consumer protection and the sustainability of the Halal industry will help safe. Many companies include Islamic-related terms in their marketing of Halal products following the rising demand.

As the term used in Malaysia, “Halal” is permissible in Islam. Other common terms include “Muslim-friendly”, “Ramadhan Buffet” and “Selamat Berbuka Puasa”. However, the misuse of these terms can mislead consumers into believing that a product or service is Halal when it is not, thereby undermining consumer trust (Tieman, 2011; Pawancheek, 2019). This case is a relevant case that discusses the relationship between Halal regulation, consumer protection and enforcement powers of regulators.

By using the Pyramid Halal Forensic Model, this article will analyse the case for the Halal management, regulatory, scientific and Islamic jurisprudence involved in the case. However, the misuse of such terminology may create misleading impressions regarding the actual Halal status of a product or service and undermine consumer trust (Tieman, 2011; Pawancheek, 2019). The case of JMJ Food & Beverages Sdn Bhd v Mohamad Zukrillah bin Ismail & Ors [2016] MLJU 1499 is an important example of the interaction between Halal regulation, consumer protection, and enforcement powers.

Trade Descriptions Act 2011

The law should regulate the Halal industry in Malaysia to prevent anyone from making statements and also to protect consumers. The main legislation that will apply in the case of JMJ Food & Beverages Sdn Bhd v Mohamad Zukrillah bin Ismail & Ors [2016] MLJU 1499 is the Trade Descriptions Act 2011. This Act regulates misleading practices in commercial activities.

The problem arises when the use of terms such as “Ramadhan Buffet” and “Selamat Berbuka Puasa” in advertisements even though they are not certified Halal. The Trade Descriptions Act 2011 has laws such as the Trade Descriptions (Definition of Halal) Order 2011 and the Trade Descriptions (Certification and Marking of Halal) Order 2011. In these laws it is stated that it is prohibited to indicate the Halal nature of any type of business entity. The court ruled that it was appropriate for the law enforcement officers to inspect the restaurant in accordance with the provisions of Section 40 and Section 42 of the Trade Descriptions Act 2011.

Therefore, the main legal issue in this case is to prevent individuals from making any false claims about Halal food and to ensure that the Halal certification process in Malaysia is transparent and fair. The Halal industry in Malaysia and the Trade Descriptions Act 2011 must be protected for the benefit of consumers who purchase Halal food products. The Trade Descriptions Act 2011 is important in controlling misleading statements about Halal food in Malaysia.

Facts of the Case

Tandoor Grill, a restaurant company owned by JMJ Food & Beverages Sdn Bhd, advertised a "Buffet Ramadhan 2013" without obtaining Halal certification. On July 24, 2013, the Ministry of Domestic Trade, Cooperatives and Consumerism, JAIPk and the Ministry of Health Malaysia together were collaborated to enforce the law against the company involved. The case was later documented in a 2016 judicial precedent. When an investigation was conducted at the establishment, it was discovered that there were several promotional materials with the slogan "Selamat Berbuka Puasa! Buffet Ramadhan 2013" and "Nikmati Juadah Berbuka Puasa Bersama Tandoor Grill Sepanjang Ini Ramadhan." Furthermore, it was found that the restaurant did not have any Halal certification and that it also served alcoholic beverages in its restaurant. Following the inspection and seizure of the promotional items, a suit was started against the officers for trespassing and malicious intent on their part by the company.

Summary of the Case

Plaintiff's argument was disregarded by the Court of Appeal, and the ruling from the High Court was upheld. Enforcement Officer is carrying out his duties according to Section 40 and 42 of the Trade Descriptions Act 2011. The powers of the designated enforcement officer include entry to and search of premises.

From the complaint raised by the relevant authorities and the promotion materials employed by the restaurant, an inspection was warranted. Mentioning Ramadan by a restaurant without a Halal certificate needed to be investigated whether there was any deception of the customers or not (JMJ Food & Beverages Sdn Bhd v. Mohamad Zukrillah bin Ismail & Ors, 2016). The malicious claim made by the plaintiff was dismissed because the plaintiff was unable to prove any malice or abuse of power by the officer.

Means of Evidence

Documentary Evidence

Documentary evidence consists of written documents and written material used to submitted to the court. In the case of JMJ Food, this included:

Promotional Materials ("Ramadhan Buffet 2013"/ "Selamat Berbuka Puasa" Advertisement)

The most prominent evidence is banners and promotional material with phrases such as "Selamat Berbuka Puasa" and "Buffet Ramadhan 2013". The material shows that the restaurant uses the Islamic terms to entice Muslim customers and the question was whether the representation was misleading without Halal certification.

Letter of Complaint Sent to Authorities

The letter of complaint sent to the authorities was used as the first source of concern which gave reason for KPDNKK, JAIPk and other organizations to investigate if there are any offence according to the Trade Description Act 2011.

Inspection Reports and Halal Certificate Status

The enforcement reports and proof that the establishment did not have a legitimate Halal certificate aided in the process. The inspection records helped the court validate that the procedure was done within its jurisdiction.

Physical Evidence

Physical evidence was key to establishing that the representations made by the restaurant were true. Enforcement officers further discovered alcoholic beverages being held on the premises during that inspection. Such a finding was directly at odds with the "Islamic image" conveyed by Ramadan-themed ads and even raised doubts about whether Muslim consumers would want such an establishment.

As pointed out by Che Man and Sazili (2010), physical verification is among the most reliable approaches for Halal authentication as it can directly evaluate real-life operational practices instead of just relying on documentary representation. Similarly, Ali et al. (2012) encourages that verifying based on evidence is vital in preserving Halal integrity and tracking potential non-compliance. In this case, where there was alcohol again it gave the authorities objective grounds to have concerns and take further enforcement action.

Expert Witnesses

The evidence of enforcement officials and JAIPk members was used as expert evidence in interpreting the implications of the findings from the perspective of both law and Halal. Their evidence helped the court understand the relevant regulation that applies to the claims being made regarding Halal and the need to conduct an inspection. Expert witnesses play a vital role in Halal forensics since they bring specialized knowledge in this field (JAKIM, 2020).

Issues Related to Halal Forensic Using the Pyramid Forensic Model

Halal Management

Halal management entails the processes or systems employed by the organisation to maintain constant Halal standards within the company. The processes include governance, management, risk management, and internal control practices (Noordin et al., 2009). In the JMJ case, a significant issue was the apparent inconsistency between the restaurant's marketing strategy and its certification status. The restaurant actively promoted a "Ramadhan Buffet" and "Selamat Berbuka Puasa" package, yet it did not possess a recognised Halal certificate. Such inconsistency reflects weaknesses in internal governance and compliance management.

According to Safian et al. (2020), effective Halal governance requires organisations to integrate Halal compliance into operational, marketing, and managerial decision-making processes. This case shows that firms intending to market themselves among Muslims require appropriate Halal management practices to ensure that marketing operations are consistent with them operations and certifications.

Standards and Regulations

In terms of the standards and regulations governing the issue, those relevant to the case included the Trade Description Act 2011, Trade Description (Definition of Halal) Order 2011, and Trade Description (Certification and Marking of Halal) Order 2011. These pieces of legislation make it illegal to make any misrepresentations in relation to Halal products and services and mandate that Halal related claims must be certified (Trade Description Act 2011).

Matulidi et al. (2016) note that Malaysia's Halal governance framework relies heavily upon cooperation between multiple regulatory agencies. Utilizing Ramadan-themed marketing material at an unlicensed business would lead to the potential of misleading consumers and would therefore warrant regulatory action. This case shows that it is vital to adhere to the recognized standards when it comes to Halal foods and drinks, such as MS 1500:2019 and the Manual Procedure for Malaysia Halal Certification (MS 1500:2019; JAKIM, 2020).

Islamic Jurisprudence

The concept of Halal is derived from Islamic law and forms part of the broader principle of *Halalan Tyyiban*, which requires food and beverages to be lawful, safe, and beneficial for consumption. Allah SWT states in Surah al-Baqarah verse 168:

"O mankind, eat from whatever is on earth [that is] lawful and good."

This verse indicates that Muslims must eat food that fulfills the criteria of legality as well as ethics according to Islamic laws. Islam makes a lot of effort to ensure honesty in the conduct of business. Prophet Muhammad SAW said:

"Whoever deceives us is not one of us." (Sahih Muslim)

This hadith highlights the prohibition against misleading consumers through false representations or deceptive business practices. In the context of the JMJ case, the use of Ramadan-themed promotional materials without recognised Halal certification created the possibility of misleading Muslim consumers regarding the status of the establishment.

Furthermore, the presence of alcohol on the premises raises additional Shariah concerns. Alcohol is explicitly prohibited in Islam as stated in Surah al-Ma'idah verse 90. Consequently, the promotion of a religious dining experience while simultaneously serving alcohol creates a contradiction between the image presented to consumers and the requirements of Islamic law.

According to Che Mohd Zain and Zakaria (2022), Halal governance should be understood through the framework of Maqasid al-Shariah, which seeks to protect religion (*hifz al-din*), life (*hifz al-nafs*), and property (*hifz al-mal*). Misleading consumers regarding Halal status undermines these objectives because it interferes with the ability of Muslims to make informed religious choices. Therefore, from a Shariah

perspective, the enforcement action undertaken in the JMJ case was consistent with the objective of protecting public interest and preserving Halal integrity.

Halal Science

Halal science is the use of scientific techniques to determine if Halal requirements have been met. Halal science employs a range of modern testing methods, which include DNA testing, PCR, chromatography, and alcohol identification methods (Ali et al., 2012). While laboratory testing is not performed in this instance, scientific testing can be done through inspection and observation.

Finding of alcoholic beverages provides a tangible proof that led to enforcement of action. This example proves that scientific methods employed in Halal verification go beyond lab tests but also involve systematic verification of processes. The case highlights the significance of inspection and verification as a concrete and objective means of Halal compliance assessment and inconsistency detection.

Halal Forensic Investigation

Halal forensic investigation is the investigative process of identifying, collecting, analysing, preserving and presenting evidence relevant to an alleged Halal breach. The aim is to ascertain whether a breach has taken place and assist enforcement actions based on direct, reliable evidence that can be accepted in court (JAKIM 2020).

In the JMJ case, investigation went through a forensic process. It started with a complaint about the restaurant's advertising practices. It was this complaint that provided the initial grounds for reasonable suspicion and sufficient justification to warrant further investigation. Following this, enforcement agencies inspected the location taking documentary evidence and recording observations to establish whether actual conditions at the premises reflected what was being presented.

The evidence consisted of three main categories such are documents which is marketing materials, physical items such as alcoholic beverages found on-site and testimony from officers positing their professional opinions regarding the legality of promoting distilling, as well as religious leaders who commented on such promotions positively or negatively.

Set of evidential elements were examined against the requirements in relation to Trade Description Act 2011 alongside with respective Halal regulations. From an evidential standpoint, it highlights the need to keep a clear chain of accountability from initial report through judicial determination. Every step taken in an investigation was based on evidence that could be verified and objectively determined before the court. Which reflects the primary principle of Halal forensics, that conclusions on compliance must not be based upon assumptions or speculation but tangible evidence.

Thus, this JMJ case can be regarded as a meaningful study and example of how forensic principle could provide verification to safeguard Muslim consumers better assistance in terms of enhancing regulatory enforcement whilst restore confidence towards the Halal certification system of Malaysia.

Implications

There are important implications of the decision made in JMJ with respect to consumers, businesses and authorities involved in the matter. For consumers, the verdict further guarantees the legal protection from any misleading claims about products with regards to Halal status in Malaysia. For business organizations, the verdict reiterates the necessity to acquire Halal certification before resorting to Islamic-related advertising (JAKIM, 2020).

Finally, the verdict reiterates the legal grounds and justification behind conducting investigations according to complaints received and the importance of coordination of the work of regulatory agencies. In general, the verdict is helpful for developing forensic practice in Malaysia regarding Halal by highlighting the importance of documentation, physical inspection, and compliance with regulations (Tieman, 2011).

Conclusion

The decision at the JMJ Food & Beverages Sdn Bhd v Mohamad Zukrillah bin Ismail & Ors [2016] MLJU 1499 case proves to be a landmark in Halal enforcement and consumer protection law development. The row was over Ramadan-themed advertising material used by a restaurant that did not have approved Halal certification, and where alcohol had been served on the premises. The Court of Appeal ultimately found in favour of the legality of the enforcement action and confirmed that regulators have authority to investigate potentially misleading representations made relating to Halal.

Using the Pyramid Forensic Halal Model, it offered a case of how Halal Management, Standards and Regulations, Hukum Syariah as well as education on forensic sciences such as Halal Sciences or Forensic Investigation works closely together in ensuring that components which essential sustaining halal integrity.

Altogether, they informed the understanding of how misleading representations can damage consumer confidence in Halal, and the need for evidence-based enforcement to sustain that trust. The obtained results corroborate with earlier studies stressing on the importance of governance, regulatory compliance, and scientific validation in supporting Halal integrity (Noordin et al., 2009; Tieman, 2011; Safian et al., 2020). It can be finally concluded that the JMJ decision remains an important landmark for future Halal forensic cases and is crucial in assuring Muslim consumers in Malaysia of a sound, trustworthy, and complete regulatory framework on Halal.

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