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FOOD ADULTERATION INVOLVING SILDENAFIL: A CASE REVIEW OF PUBLIC PROSECUTOR V INTAN BIOTECH INDUSTRIES SDN BHD [2025] MLJU 1245

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ABSTRACT

Food adulteration is an increasingly worrying issue as it involves the addition of unauthorised substances to food products which can affect consumer safety and product integrity in the market. The case of Public Prosecutor v Intan Biotech Industries Sdn. Bhd. [2025] MLJU 1245 involved the alleged sale of Yusmira Brand Black Turmeric Coffee which contained Sildenafil, a pharmaceutical ingredient which is not permitted in food. This article aims to analyse the facts of the case, the methods of proof presented and the issues arising from the case from the aspects of Islamic law, food regulation compliance and consumer health implications. This study uses a qualitative approach through document analysis of court judgments and related literature sources. The results of the analysis show that although the existence of Sildenafil in the product in question can be proven through scientific analysis, the prosecution failed to prove that the product originated from the accused company. This case also highlights the importance of product integrity, supply chain traceability and the effectiveness of food regulation enforcement in addressing the issue of food adulteration. This study is important as a reference in raising awareness about food safety, consumer protection and the importance of compliance with food standards and legislation in Malaysia.

Introduction

Food safety is an important aspect of protecting consumer health and ensuring the integrity of products available on the market. The rapid development of the food industry has increased the risk of various forms of food fraud and food adulteration, including the addition of unauthorised substances to food products. Such practices not only violate food laws and regulations but may also jeopardise consumer health and erode public confidence in marketed products. According to Ramesh (2026), complaints regarding food contamination and misleading labelling are not uncommon, although comprehensive and up-to-date data on the products most frequently involved remain limited.

In Malaysia, the control of adulterated food is governed by the Food Act 1983 and the Food Regulations 1985, which aim to ensure that food sold to consumers is safe, of good quality, and compliant with prescribed standards. The addition of pharmaceutical ingredients to food products without authorisation constitutes a serious violation, as consumers may be exposed to adverse effects and health risks without their knowledge. According to Paiva (2024), food adulteration can lead to significant harmful consequences, which is hospitalisation and death, especially when products contain prescription drugs, untested analogues or mixtures of substances whose safety has not been assessed in the products.

Important example for investigation has been provided by the case of Public Prosecutor v Intan Biotech Industries Sdn. Bhd as it involved the alleged sale of a pre-mixed coffee product containing Sildenafil which is a pharmaceutical ingredient normally used to treat erectile dysfunction. The court held that the prosecution's failure to prove that the product originated from the accused company eventhough the presence of the substance in the tested product was confirmed by scientific analysis. From this decision, it can be proved that the traceable supply chain, product identity and the appropriateness of the investigation also play a important role in determining liability besides scientific evidence regarding the product's composition.

As a result, this article aims to examine the case of Public Prosecutor v Intan Biotech Industries Sdn Bhd by analyzing the facts of the case, the evidence displayed and the main issues arising from the decision involving those related to the Islamic law, food regulations and consumer health implications

Facts of the Case

This case relates to legal action taken against Intan Biotech Industries Sdn Bhd for selling food products that have been modified, mixed with other ingredients, or do not meet the set standards and are alleged to have violated Section 13B(1) of the Food Act 1983. The product that was the subject of the charge was "Kopi Pracampuran Kopi Kunyit Hitam Jenama Yusmira" (the Yusmira Coffee), a type of pre-mixed coffee that allegedly contained prohibited substances not permitted in food products.

On 18 October 2022, a team of environmental health officers the Port Dickson Distruict Health Office conducted an inspection and food sampling at the premises of Fajar PD U2 Enterprise, Port Dickson, Negeri Sembilan. During the inspection, the enforcement officer (SP1) purchased three sachet boards of the Yusmira Coffee from the owner of the premises, namely SP3. Fter the purchse was made, the product sample was divided into three parts in accordance with the procedures set out under the Food Act 1983 and the Food Regulations 1985 before one part was sent to the Malaysian Department of Chemistry for analysis.

The analysis conducted by the Science Officer (SP5) found that the coffee sample contained Sildenafil, a pharmaceutical substance used to treat erectile dysfunction, which was not included in the permitted standards or specifications for pre-mixed coffee under the Food Regulations 1985. Based on the findings, the product was considered adulterated food.
Further investigation was conducted to trace the source of supply of the product. The identified supply chain showed that Fajar PD U2 Enterprise obtained the product from Felisa Beauty in Kuala Lumpur, which in turn obtained the supply from Mazlahhasani Enterprise in Kota Bharu, Kelantan. Mazalahhasani Enterprise stated that the product was obtained from Intan Biotech Industries Sdn. Bhd. Through a company employee named Nor Suzila binti Mustafar (SP9).

However, during the trial, SP9 testified that she obtained the Yusmira product from a seller in Rantau Panjang through her personal side business and not from the company/s official stocks. She also admitted to using the company's delivery documents without permission to distribute the product to consumers. This statement was supported by another company employee, SP10, who confirmed that the company had never issued an order for or stocked the Yusmira Coffee in question. This situation raised doubts about the true origin of the products analysed and whether they genuinely came from Intan Biotech Industries Sdn. Bhd.

Summary of the Case

This case focused on the issue of wether the prosecution had succeeded in proving that Intan Biotech Industries Sdn. Bhd. Had sold the Yusmira Coffee product which contained a prohibited substance, thus committing an offence under Section 13B(1) of the Food Act 1983.

The court accepted and did not dispute the scientific evidence presented by the prosecution. Laboratory analysis conducted by the Malaysian Department of Chemistry proved that the coffee sample tested contained Sildenafil and was therefore adulterated food in accordance with the provisions of the Food Act 1983 and the Food Regulation 1985.

However, the court found that the prosecution had failed to prove an important element of the charge, namely that the product tested had actually originated from or been sold by Intan Biotech Industries Sdn. Bhd. SP9's evidence indicated that the product may have been obtained from another source in Rantau Panjang and distributed using company documents without the company's knowledge or consent. In addition, the investigating officer (SP12) did not conduct further investigations to confirm or refute the allegations, even though the matter had been raised from the early stages of the investigation.

The court held that the prosecution's failure to thoroughly investigate the origin of the product raised reasonable doubt as to the true identity and source of the samples analysed. Therefore, although the presence of Sildenafil in the product was successfully proven, the prosecution failed to present a prima facie case that Intan Biotech Industries Sdn. Bhd. was the party responsible for the sale of the product. For these reasons, the court ordered that the company be acquitted and discharged from the charges without being called upon to enter its defence.

Means of Evidence

Documentary Evidence

In this case, the prosecution presented several documentary evidence to prove that the samples of Yusmira Coffee were obtained according to valid procedures, scientifically analyzed and related to the accussed company

i. **Purchase Receipts (P6 and P7):** Exhibits P6 and P7 are the documents proving that the enforcement officer (SP1) purchased three sachet boards of Yusmira Coffee from the Fajar PD U2 Enterprise premises on 18 October 2022 at a price of RM20 per sachet board. This receipt is important because it proves the occurence of a sale and purchase transaction that formed the basis of the food sampling process. Despite technical problems with the original receipt (P6) , an additional receipt (P7) was prepared and signed by SP1 and SP3 to record the transaction information. This document helps establish a chain of evidence that the samples tested were legally obtained from the premises inspected.

ii. **Food Sampling Notice:** The prosecution also presented the sampling notice issued by SP1 during the sampling process. This document shows that the sampling procedures provided for under Section 6 of the Food Act 1983 and Regulation 4 of the Food Regulations 1985 were followed. SP1 divided the sample into three parts, namely one

part for the laboratory analysis, one part for storage by the authorities and one part given to the seller. This document is important to prove that the integrity of the sample was maintained throughout the investigation process.

iii. **Food Sample Analysis Application Form:** After sampling was carried out, SP1 sent the P14A sample to the Malaysian Chemistry Department together with the analysis application form. This document contains information about the sample sent, the purpose of the analysis and the parameters to be tested, namely the presence of Sildenafil and Taladafil. This form serves as an official record linking the sample taken at the premises with the analysis carried out by the Malaysian Chemisty Department.

iv. **Analyst's Certificate/Chemical Report (P19):** Exhibit P19 is the most important document in this case as it contains the official results of the laboratory analysis carried out by SP5. Based on the report, the sample of Yusmira Coffee was found to be positive for Sildenafil and negative for Taladafil. This report is the main scientific evidence supporting the claim that the product does not comply with the pre-mixed coffee standards set out under the Food Regulations 1985. Threfore, P19 forms the basis for the claim that the product is adulterated food.

v. **Delivery Order Documents (ID48, ID49, ID50, and ID51):** The prosecution also submitted several delivery documents (Delivery Order) beloging to Intan Biotech Industries Sdn. Bhd. which were used by SP9 during the distribution of the product. However, SP9 admitted that she had added information related to Yusmira products to the documents without the company's knowledge and permission. This document is important evidence because it shows how Yusmira products were distributed using the company's official documentation even though the actual status of the products was disputed. At the same time, this document also supports the defence that the products may not have come from the company's official stock.

Physical Evidence

Physical evidence in Intan Biotech Industries Sdn Bhd v Public Prosecutor consists of three main exhibits, specifically the seized product (**Exhibit P15**), the laboratory sample (**Exhibit P14A**), and the product packaging relating to the manufacturer's labels. These exhibits have generally been used as key evidence in proving the alleged existence, composition, and origin of the Yusmira Coffee products in relation to the offences under the Food Act 1983.

Exhibit P15 refers to three display boards of *Kopi Kunyit Hitam Pracampuran Jenama Yusmira* Kopi Yusmira" which were used as the main items detained in this case. The evidence was used to prove that the products were in the market and available for sale to consumers. In addition, the exhibits also were used as physical justification for enforcement action and as a source of samples for subsequent laboratory inspection. The product information contained in the exhibits is also used to support in identifying the commercial distribution of the products.

Exhibit P14A refers to the portion of the product that was divided from the seized goods and subsequently sent for laboratory analysis. From the analysis, the presence of Sildenafil was identified, thus establishing the evidentiary basis to determine that the product was adulterated or counterfeit. In addition, as evidence to link the product to the accused company, the packaging of the product which displayed Intan Biotech Industries Sdn. Bhd. as the manufacturer was also submitted. However, its evidential value was later contested due to disagreements concerning the authenticity and actual source of the product, thereby raising issues on the reliability of the linkage between the packaging and the seized sample.

Expert Witnesses

The main expert witness in this case is SP5, a Science Officer from the Malaysian Chemistry Department, who conducted the laboratory analysis on samples of the Yusmira Coffee submitted by the enforcement authorities. The analysis was carried out using methods recognised under the Malaysian Laboratory Accreditation Scheme (SAMM) to detect the presence of controlled substances in the food samples.

Based on the analysis conducted, SP5 issued an Analyst's Certificate (P19) confirming that the coffee samples contained Sildenafil. His testimony, supported by the official laboratory report, was not significantly challenged during cross-examination, and the court accepted that the chain of custody of the samples was properly maintained from the point of collection until the completion of the analysis process.

Although SP5's evidence was crucial in establishing that the tested product was adulterated under the Food Regulations 1985, it was limited to confirming the chemical composition of the sample and did not address the origin of the product. The court therefore held that, despite the reliability of the scientific evidence, it was insufficient on its own to establish that the sample originated from Intan Biotech Industeries Sdn. Bhd., which remained the central issue in the case.

Issues Involving Halal Forensic in Food Adulteration and Product Integrity

Shariah and Islamic Fiqh

Every Muslim is ordered to choose food that fulfils the concept of Halal Tayyiban in Islam, which refers to food that is permissible (halal), safe to consume and give benefit to health. This concept is based on the words of Allah SWT in Surah al-Baqarah verse 168: "O mankid! Eat of what is on earth that is halal and good, and do not follow the footsteps of Satan; for indeed, Satan is to you an open enemy."

According to Gunardi et al. (2022), the concept of *Halalan Tayyiban* does not only emphasises the halal status of food but also includes safety, quality, and the prevention of harm to consumers. In the case of Public Prosecutor v. Intan Biotech Industries Sdn. Bhd., the discovery of sildenafil in the Yusmira Coffee raises Shariah concerns as the undeclared pharmaceutical ingredient affects the *tayyib* aspect of the product due to potential health implications.

Furthermore, the inclusion of undisclosed ingredients in food products may be considered an element of *ghish* (fraud) in trade. Harwanto (2025) explains that *ghish* refers to cheating, deception, or dishonesty in transactions that causes consumers to receive inaccurate information about a product. This principle is prohibited in Islam as stated by the Prophet Muhammad (PBUH):

Meaning: "Whoever cheats, he is not one of us."

(Muslim ibn al-Hajjaj, n.d., Vol. 3, Book 12, Hadith 1315)

In this case, the consumers purchased the product as a regular pre-mixed coffee without knowing the existence of Sildenafil, which reflects a lack of transparency in product information. Transparency is necessary in ensuring fairness and consumer protection in Islamic business ethics perspective. Osman (2026) stated that transparency is closely related to the prohibition of fraud, concealment of defects, and manipulation of information in trade. This is also supported by Ibn Taymiyyah (1995), who emphasised the importance of market transparency in maintaining fairness and preventing exploitation in transactions.

From a halal forensic perspective, this case demonstrates the importance of scientific analysis in detecting undeclared substances and verifying product integrity. The identification of Sildenafil not only establishes food adulteration but also highlights concerns related to *Halalan Tayyiban*, consumer protection, and the objectives of Shariah (*Maqasid akl-Shariah*), particularly the preservation of life *(hifz al-nafs*). Therefore, halal compliance involves not only the permissibility of ingredients but also the safety, transparency and integrity of food products.

Legal Framework and Regulatory Control of Adulterated Food

In Malaysia, the control of adulterated food is primarily governed by the Food Act 1983, supported by the Food Regulations 1985 and the Food Hygiene Regulations 2009, in addition to involving the Penal Code and trade-related laws such as the Trade Descriptions Act (Lee et al., 2025; Halim, 2024). This legal framework demonstrates that food safety control in Malaysia is multi-layered, encompassing aspects of criminal law, public health, and consumer protection.

Furthermore, Section 13B of the Food Act 1983 provides that no person shall prepare or sell food that has been adulterated (Lee et al., 2025). This provision is further elaborated in Section 13B which defines food as "adulterated" when there is the addition of unauthorized substances, removal of valuable substances, mixing of low-quality substances, or non-compliance with the prescribed standards (Lee et al., 2015). In the case under discussion, the scientific findings confirming the presence of Sildenafil in the coffee product clearly fall into the category of adulterated or adulterated food as provided under the said section.

In addition, Section 13B(4) provides for severe punishment for the offence, including a fine of up to RM20,000, imprisonment for a term not exceeding five years, or both. In addition, Section 272 of the Penal Code also provides for an offence relating to the act of adulterating food or drink so as to render it unfit for sale. However, the scope of this provision is narrower than Section 13B as it only focuses on noxious food (Lee et al., 2025). This comparison shows that the Food Act 1983 provides a more comprehensive legal framework in addressing the issue of food contamination or adulteration in the market.

From an enforcement perspective, past studies have shown that although Malaysia has a strong legal framework, its implementation and enforcement are often described as inconsistent and disrupted (Nazim & Md Yusof, 2023). This situation has direct consequences for the effectiveness of food control, as cases of fraud and misleading labelling still happen despite clear regulations being established (Philip, 2015). Therefore, the existence of laws is insufficient without effective implementation and enforcement to ensure that the integrity and safety of food in the market is always maintained.

Besides that, this issue can be analyzed based on the aspects of product integrity and traceability in the food supply chain according to halal forensic perspective because it not only focuses on determining the halal status of a product but also involves the use of scientific and legal methods to verify the originality of the product and detect any contamination or adulteration of ingredients (Mokti et al., 2022). Accordingly, in this case, the detection of Sildenafil using laboratory analysis has served as forensic evidence that supports the implementation and enforcement of food laws.

Health Implications of the Presence of Sildenafil in Food Products

As a pharmaceutical drug that should be used under the supervision of a healthcare professional, the presence of Sildenafil in food products raises serious disstresses about consumer safety. According to Morales (1998) and Wang et al. (2023), Sildenafil has the potential to cause a variety of side effects, including headache, flushing, gastrointestinal upset, nasal congestion, and blurred vision. Although these effects are usually short-term, consumers purchasing ordinary food products do not expect to consume an active pharmaceutical ingredient that can cause physiological effects in the body.

In the context of Public Prosecutor v Intan Biotech Industries Sdn Bhd, this issue becomes more important when products sold as food are found to contain pharmaceutical ingredients that should not be exist in the product. This situation poses a risk to consumers, especially when the product is consumed without knowledge of its actual contents. As a result, consumers are denied the opportunity to make safe and informed food choices based on accurate and transparent product information.

Additionally, a dangerous drop in blood pressure, especially in individuals taking nitrates, alpha-blockers, or medications for cardiovascular disease can be caused by the accidental consumption of Sildenafil (Jackson et al., 2006; Speakman & Kloner, 1999). According to Jackson et al. (2006) and Verma (2019),

this risk is increased when consumers are clueless that they have been exposed to the substance through food products and increases the likelihood of unwanted drug interactions, which can have adverse effects on the consumer's health.

The presence of phosphodiesterase-5 (PDE5) inhibitors such as Sildenafil at levels that are not disclosed or that are inconsistent with the information stated on the product label has been reported by several studies in counterfeit or adulterated sexual enhancement products (Boettcher, 2023; Wang, 2023). This may expose users to unknown doses, increasing the risk of serious health complications, including priapism, cardiac arrhythmias, and stroke (Giuliano et al., 2009; Verma et al., 2019; Wang et al., 2023).

Therefore, this case demonstrates that the issue of adulterated food not only involves a violation of food law provisions but also has the potential to directly affect public health. From a forensic perspective, the detection of undeclared pharmaceutical ingredients in food products is essential to protect consumers from hidden exposure to potentially harmful substances and to ensure the integrity of products marketed to the public.

Conclusion

The case of Public Prosecutor v Intan Biotech Industries Sdn Bhd [2025] MLJU 1245 shows that the issue of food contamination or adulteration remains a significant issue and requires a comprehensive approach that encompasses legal, ethical and consumer protection aspects. While the presence of prohibited substances in food products can be proven through scientific analysis, the judicial process eventually depends on the overall strength of the evidence presented and the ability to link the product to the party responsible. This case study also highlights the importance of compliance with food regulations, supply chain integrity and transparency in business practices. In addition, the production and marketing of goods containing untold or undeclared ingredients are in opposite to the principles of Islamic jurisprudence which is trust and honesty that has been stressed in muamalat. At the same time, serious health risks can be posed to consumers by their unaware exposure to pharmaceutical substances. Therefore, to ensure food safety and quality, protect consumers interests and enhance the integrity of products sold to the public, strength cooperation between enforcement authorities, industry and consumers are needed.

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