

ADULTERATED FOOD CONTAINING SILDENAFIL: A CASE REVIEW OF PUBLIC PROSECUTOR v INTAN BIOTECH INDUSTRIES SDN BHD [2025] MLJU 1245

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ABSTRACT

In Public Prosecutor v Intan Biotech Industries Sdn Bhd [2025] MLJU 1245, the defendant was charged under Section 13B(1) of the Food Act 1983 for selling food adulterated with Sildenafil. This case paper discusses the role of forensic laboratory testing and modus operandi of investigations in corroborating food adulteration offences and stresses the significance of production of a direct nexus between the accused and the product involved. Here, officers of the environmental health department, during a food sampling operation at a retail outlet in Port Dickson, took samples of Yusmira Black Turmeric Coffee. Results from the Chemical department of Malaysia laboratory show the presence of Sildenafil which is a pharmaceutical drug under control and not allowed to be mixed in coffee as per Food Regulations 1985. So it is scientifically proven that the product was adulterated. Even so, on the evidence of the trial, the supply chain was shown to have a few glitches. An employee of the company stated that the product was purchased by him from a market in Rantau Panjang, and the distribution was made without the knowledge of the company concerned. Court, on the face of it, has held that the product was adulterated, but still the prosecution has failed to establish the prima facie case that the accused company was the one who sold the product. That means, the company was acquitted and discharged. This case indicates that confirmation of the laboratory that a product has been adulterated is not enough for conviction, if there is no reliable traceability and investigative evidence. It also points toward better teamwork between forensic analysis and enforcement investigations to pave the way for the successful prosecution of food safety and halal integrity cases.

Introduction

Food adulteration continues to be a serious global concern for many reasons, including its public health impact, consumer distrust, and the difficulty of enforcing regulations (Momtaz et al., 2023). Food adulteration is the addition of unauthorized substances to food either deliberately or unintentionally. This results in foods that don't meet the required standards (Anagaw et al. 2024). Recently, a number of food and drink items that are presented as dietary supplements or health foods have been discovered to contain hidden pharmaceutical substances. This kind of deception quite a bit endangers consumer health, as individuals are taking these drugs without any form of medical control (Haji et al., 2023).

For halal, it is not enough for food to be simply free of forbidden (*haram*) substances; the products should also live up to the notion of *halalan tayyiban*, which is to say that they must be not only permissible but also safe, nutritious, and hygienic for consumption (Awang, 2021). As a result, the introduction of hidden pharmaceutical compounds in food products is one of the issues that has led to the deterioration of food safety, the lack of consumer rights, and the loss of halal certification (Rohman et al., 2020).

The matter of Public Prosecutor v Intan Biotech Industries Sdn Bhd [2025] MLJU 1245 acts as a significant illustration of how food analysis and scientific examination can aid in the discovery of adulterated foods. It revolved around a powdered coffee called Yusmira Black Turmeric Coffee, which had been implicated to be adulterated with Sildenafil, a substance often prescribed for individuals with erectile dysfunction. This example demonstrates how essential food safety, consumer confidence, and food regulations are binding with scientific facts and food tracing via a well-enforced law system.

Facts of the case

The case featured Intan Biotech Industries Sdn. Bhd. which faced a charge under Section 13B(1) of the Food Act 1983 for selling adulterated food. On 18 October 2022, a team of officers from the Port Dickson District Health Office did a food sampling operation at a retail outlet in Port Dickson, Negeri Sembilan. Upon checking, the officers bought three boards of Yusmira Black Turmeric Coffee as a sample for lab analysis.

The coffee samples were later given to the Department of Chemistry, Malaysia for testing. The test results showed that the coffee contained Sildenafil, a drug which is a controlled substance and is widely known as an erectile dysfunction treatment. Since Sildenafil is not amongst the ingredients allowed under the Food Regulations 1985 for premixed coffee, the product was deemed adulterated.

After this was discovered, the officials tracked the product distribution line. The result of their probe was that the coffee had changed hands several times before it landed at the retail outlet where it was bought. The prosecution came up with the claim that the product was from Intan Biotech Industries Sdn. Bhd. as the company's name was showing on the product as the manufacturer. This eventually brought about a charge of selling adulterated food.

Despite that, a witness called Suzila Mustafar (SP9) who works at the defendant company declared at the trial that she had bought the Yusmira coffee from a seller in Rantau Panjang and after that, without any permission or knowledge of the company, she distributed it to customers using delivery documents of the company as a cover. Besides that, she insisted that Intan Biotech Industries Sdn. Bhd. was not the supplier of the coffee and that the coffee was a fake product. Her account of the events was corroborated by other witnesses from the prosecution who also agreed that making or supplying Yusmira coffee was not recorded officially by the company.

The prosecution was able to demonstrate that the coffee contained Sildenafil and was adulterated as a result, but it did not convince the court that the product was from or sold by Intan Biotech Industries Sdn. Bhd. Besides this, the claim that the coffee was obtained from Rantau Panjang was not followed up with any further investigation by the investigating officer. That means, the court concluded that the prosecution had not made out even a prima facie case against the company and acquitted and discharged the company without calling it to enter its defense.

Summary of The Case

Public Prosecutor v Intan Biotech Industries Sdn Bhd [2025] MLJU 1245 is an example of criminal proceedings brought against the accused company for selling adulterated food pursuant to Section 13B(1) of the Food Act 1983. The charges were filed following a routine raid carried out by enforcement officers from the Port Dickson District Health Office at a retail shop where samples of premixed coffee, called Yasmira Black Turmeric Coffee, were bought for laboratory testing. Laboratory testing by the Department of Chemistry Malaysia found Sildenafil in the coffee sample. Sildenafil is a controlled drug that cannot be sold in premixed coffee products.

The prosecutors claimed that the product came from Intan Biotech Industries Sdn Bhd due to the name of the company being found on the packaging as its manufacturer. It is from the investigation into the supply chain that it came out that there were many intermediaries involved in getting the product into the retail store in Port Dickson. However, at the hearing, it was learned that an employee of the company had individually acquired products of the same kind from Rantau Panjang market without authorization from the company.

The court found that while there had been a successful demonstration by the prosecution that the goods were adulterated, there was no prima facie proof of the involvement of the company in the sale of the adulterated goods. Consequently, the accused company was discharged without its defense being put up.

Means of Evidence

However, in this particular instance, the prosecution presented different forms of evidence for the purposes of proving the offense of selling adulterated food on the part of the Intan Biotech Industries Sdn Bhd. Firstly, there was the physical evidence in the form of samples of Yasmira Black Turmeric Coffee. The samples were obtained during the enforcement exercise conducted by the environmental health officers.

It should be noted that such samples were obtained by proper collection at the premises, separation into three parts, sealing and labeling as stipulated in the Food Act 1983 and Food Regulations 1985. Secondly, there was scientific or forensic evidence. It comprised laboratory findings of the samples tested at the Department of Chemistry Malaysia in an accredited manner by the government chemist. Laboratory findings demonstrated that the tested coffee contained Sildenafil, which is the controlled pharmaceutical substance prohibited in premixed coffee in Malaysia.

This laboratory finding served as the core scientific evidence that the product was adulterated and proved to be objective and reliable. Thirdly, there was the documentary evidence. This included sampling records, purchase receipt, chain of custody document and chemist's report on analysis. The latter documents helped to show that the samples were properly handled and analyzed according to the prescribed legal procedures.

Moreover, testimonial evidence of different witnesses was tendered by the prosecution. These witnesses included environmental health officers testifying on the sampling and enforcement processes; government chemist describing the analytical method and confirming the laboratory findings; and investigating officers providing the evidence on the supply chain tracing and the company involvement in selling the adulterated products. However, defense offered testimonies of the witnesses showing that the product could be independently acquired by the officers from the external marketplace and then sold by another party without the knowledge of the accused company.

As a result, the true origin of the product could not be clearly established and the prosecution failed to prove the connection between the company and the adulterated products. In conclusion, despite the successful establishment of the adulteration using scientific and physical evidence, the evidential chain could not be clearly proven, which influenced the prosecution case negatively.

Forensic and Laboratory Analysis

Laboratory analysis immensely helped in this case as it offered unbiased evidence based on hard science about the constituents of coffee product. Food forensic analysis is one of the primary weapons in the

arsenal of authorities against contamination adulteration mislabeling, and unauthorized items in food products.

Qualified staff from the Department of Chemistry Malaysia carried out a chemical analysis on the coffee products in question using the accredited laboratory methods. The study showed that the product contained Sildenafil. One of the reasons why the court put so much faith in the laboratory results was for sure that the tests were performed per internationally recognized standard operating procedures, under the credible and well-established quality assurance system. The analyst's report became a major item of evidence during the trial.

The revelation that the coffee contained Sildenafil underlines how coming and cutting edge analytical methods are essential for reliable food testing. Besides Liquid Chromatography-Mass Spectrometry and Gas Chromatography-Mass Spectrometry, High-Performance Liquid Chromatography (HPLC) is the most popular technique employed by forensic laboratories worldwide for the detection of very low levels of pharmaceutical compounds in food samples (Saadat et al. 2022). These are techniques whose output is not only very accurate but highly sensitive as well, allowing them to pick up even the minutest amounts of hidden substances.

Besides what I just said, the results also bring out the indispensable nature of food forensic laboratories to raising the level of health in the general public. Had it not been for the laboratory tests, buyers would probably not have known that the coffee contained a drug; Yet another function of scientific investigation in this context is an indispensable aspect of food safety and regulatory compliance.

Health Risks Associated with Sildenafil Adulteration

Sildenafil is a medicine that is mainly used for the treatment of erectile dysfunction and pulmonary arterial hypertension (Ghofrani, 2006). It increases blood flow by causing blood vessels to relax. Although it is normally safe, when prescribed and supervised by medical professionals, the misuse of Sildenafil can bring very dangerous effects on someone's health.

Sildenafil may cause some side effects like headaches dizziness flushing, changes in vision, nasal congestion, and low blood pressure (Bodie, 2021). People who have heart problems are at the greatest risk of severe side effects in particular if they are already using nitrate drugs. In those situations, Sildenafil can cause a very dangerous fall in blood pressure which in the worst case can bring death.

One of the main concerns about the presence of Sildenafil in food products is that consumers may ingest the drug without being aware of it. Most people who buy coffee products do not expect that they contain medications. So, the risk of accidental intake is very high. This is one of the reasons why the authorities in charge of regulations strictly forbid the addition of pharmaceuticals to regular food products.

Halal and Tayyib Perspectives

The idea of halal is not only about the absence of the forbidden elements. Islamic dietary laws revolve around the notion of *halalan tayyiban*, which means that the food must be not only permissible but also safe, wholesome, and capable of providing a positive effect to their consumers.

This presents a problem since Sildenafil was there when it comes to upholding halal principles mainly the *tayyib*. Though Sildenafil itself may not be derived from non-halal sources, its use without declaration in a food product is a clear breach of the principles of transparency, safety, and consumer protection. Putting pharmaceutical elements in coffee without informing consumer means that consumers are deprived of making informed decision for their intake.

Also, halal certification programs stipulate the full disclosure of ingredients and processing aids used in food manufacture. When an undeclared ingredient is present, it seriously jeopardizes the halal certificate because it not only ignores the traceability aspect but the transparency one as well, which are the main pillars of halal assurance systems.

This example shows the danger of food adulteration which can undermine food safety and erode consumer confidence in halal-certified products. Ensuring the halal status needs building a system of integrity based

on effective monitoring, laboratory verification, and stringent compliance with food regulations throughout the supply chain.

Discussion

From this case study, it is clear that forensic science has a key role to play in food safety regulation. The successful identification of Sildenafil in the product could only happen because of lab testing. Thus, it is vital to have proper facilities for scientific investigation in order to ensure food safety.

Traceability is another key point illustrated by this case. Although scientific investigation did help identify the adulteration of the product, the prosecution team had trouble showing that the accused company was responsible for the distribution of this particular product. In the end, they failed to prove guilt. It shows that scientific data must be complemented by the results of the investigation.

One other lesson that can be drawn from the case includes the importance of collaboration among all relevant bodies in order to improve efficiency in carrying out their functions and responsibilities. The investigation of food safety issues must include the application of scientific methods in addition to thorough documentation so that responsibility is appropriately allocated when violations occur.

With regard to halal forensics, the lessons learned include the necessity of conducting regular monitoring of food items which may be sold under the guise of health products or functional foods because such food items are often selected for the inclusion of pharmaceuticals to increase the effect.

Conclusion

In the matter of Public Prosecutor v Intan Biotech Industries Sdn Bhd [2025] MLJU 1245, the reliance on forensic laboratory analysis to expose adulterated food products is very well exhibited. The laboratory analysis unveiled that Sildenafil was a component of a premixed coffee drink, thereby proving that the said concoction was an adulterated one under the Malaysian food laws. Even though the prosecution was not able to demonstrate that the accused company was the one that marketed the product, this matter in any case draws attention to the key issues of food safety, consumer protection, product traceability, and halal integrity.

And this matter is an indication that scientific proof is indispensable in the implementation of regulations and that it is a must to have all supply chain records available. On halal forensics, the drugging of food products without approval is in direct opposition to the *halalan tayyiban* philosophy and also raises serious concerns about the health of the population. This being the case, laboratory tests, regulatory policies, and traceability, if carried out properly, laboratory tests, regulatory policies, and traceability, will be a strong barrier to protect consumers and retain the credibility of the food sector.

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