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## AN ANALYSIS OF FRAUD AND MISREPRESENTATION OF HALAL LOGO FOR COSMETIC PRODUCTS IN MALAYSIA

<sup>i,\*</sup> Intan Syafiqah Abdul Salam, & <sup>i</sup>Mustafa 'Afifi Ab. Halim<sup>i</sup> Faculty of Syariah and Law, Universiti Sains Islam Malaysia (USIM), 71800, Nilai, Negeri Sembilan, Malaysia\*(Corresponding author) e-mail: [syafiqah.salam@gmail.com](mailto:syafiqah.salam@gmail.com)

### ABSTRACT

Fraud and misrepresentation of the Halal logo for cosmetic products pertains to the deceptive or misleading use of the Halal logo on cosmetic products within the Malaysian market as a predominantly Muslim country whereby the Halal certification holds religious significance for Muslim consumers. This offence raises concerns regarding the authenticity and compliance of cosmetic products with Halal standards. The misuse of halal logos and certificates such as displaying logos not accredited by JAKIM has caused confusion among Muslim consumers, leading to a decrease in trust in the Malaysian halal logo. As a result, Muslim consumers may unknowingly purchase non-halal products and potentially expose themselves to harmful ingredients. Thus, the primary objective of this research is to analyze the offences associated with the Halal logo on cosmetic products while examining the agencies and authorities involved in Halal implementation and evaluating the regulatory framework governing the issuance of Halal logos for cosmetics in Malaysia. Utilizing a qualitative method, including articles and journals, standards and regulations that existed, in addition to relevant case studies, the research was seeking in-depth understanding of Halal certification and the problem of fraud and misrepresentation of Halal logo for cosmetic products. The findings indicate consumer awareness regarding these deceptive practices is found to be limited, emphasizing the need for increased transparency and education. Hence, proposes recommendations to implement stricter regulations and enforcement mechanisms to deter and penalize fraudulent activities while protecting religious sensitivities.

**Keywords:** *Fraud, misrepresentation, halal logo, cosmetic, Malaysia*

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## Introduction

Cosmetic products and personal care are substances or preparations designed for use on the skin, hair, nails, lips, and eyes. These items are intended to improve appearance, and hygiene, used for personal grooming and self-care rituals, which contribute to an individual's well-being and confidence (NPRA, 2023). These include skincare products, hair care, makeup, fragrance, nail care, and others. Because of technological advancements, the cosmetic business is continually striving for innovative and effective solutions that are easily accessible, inexpensive, and safe. Thus, it is critical to choose cosmetic items that are both safe and suited for skin type. This is due to the fact that some cosmetic items might irritate the skin or induce allergic reactions. However, information regarding the identity and the source of the ingredients used in cosmetics is not always easily available. Therefore, verification of the authenticity and acceptability of the ingredients may be required. Halal refers to elements or acts that are permissible under Islamic law for Muslim consumption, and its criteria include cosmetic and personal care goods; naturally, Muslims would want to ensure that the cosmetic and personal care products they use are halal compliant (Hashim & Hashim, 2013). Simultaneously, Muslims and non-Muslims participating in the manufacturing and distribution of these products must comprehend the definition of halal cosmetic and personal care products, as well as the requirements of halal regulations. The halal label indicates to Muslim consumers that the product adheres to Islamic principles and contains no prohibited materials or components, such as animal derivatives, alcohol, or pork-based ingredients (Aqmar Zaidun & Hashima Hashim, n.d.). This guarantee is significant for Muslim customers who prioritize halal standards in all aspects of their daily lives, including their personal care. Allah has mentioned in Surah Al-Baqarah verse 172 that discussed the dietary laws:

Translation: "O you have believed, eat from good (lawful) things which We have provided for you and be grateful to Allah if it is (needed) Him that you worship".

(Al-Quran. Surah Al-Baqarah, 2:172)

This verse begins by addressing the believers, encouraging them to eat the good things that Allah has created for them. The use of word "طيبات" (tayyibat), which means "good things" is a broad term that can be interpreted to include any food that is healthy, nutritious, and tasty (Shirin Asa, 2019). In other words, Allah has reminded the believers to be thankful since food is a basic need of life from Him. By eating good food and being grateful for it expresses an appreciation for Allah's blessings. Likewise, the consumption of cosmetic products must be based on Islamic guidelines which emphasize the halal and haram of its product. In Surah Al-Maidah verse 4 states that:

Translation: "They ask you, O Prophet, what they are permitted to eat. Say, what is good and lawful, Also, what is taken by your hunting animals and birds of prey, which you have trained in accordance with Allah's instructions. So, eat what they catch for you and mention the name of Allah upon it. Indeed, Allah is swift in account".

(Al-Quran. Surah Al-Maidah, 5:4)

The verse has clearly indicated what is permissible in Islam, what we must avoid harming, and what is not permissible in Islam. As a result, Halal, as defined in the Quran, refers to something lawful or permitted in Islam in which everything in this world is Halal unless proven differently (Aqmar Zaidun & Hashima Hashim, n.d.). According to the Halal Malaysia Portal (2017), halal is a product or service that has been acknowledged by the authorities, according to syara' or Islamic law, and the product or service carries a halal logo. Hence, the term of 'Halal' is not limited to the ingredients, but also to the production procedures, storage, packaging, and delivery of the products in accordance with Islamic Law (Aqmar Zaidun & Hashima Hashim, n.d.). Halal may be applicable to all consumables such as pharmaceuticals, cosmetics, personal care, toiletries, and others. Therefore, the concept of halal cosmetics encompasses all aspects of the management system and has been deemed as clean, safe, and high quality.

## Literature Review

### *Issues In Halal Cosmetics*

In the dynamic landscape of consumer goods, the demand for Halal products has witnessed a significant surge, particularly in predominantly Muslim countries such as Malaysia. Halal certification serves not only as a marker of compliance with Islamic dietary laws but also applies to a variety of consumer goods, including cosmetics. The expanding Muslim population and rising awareness of the halal industry are driving up demand for halal cosmetics. Studies by Kamaruddin et al. (2023), suggest that the presence of the halal logo, along with halal awareness and positive brand image, has a favorable influence on customer attitude and behavioral intention. In Malaysia, exposure, halal certification, and product knowledge are important factors that influence the awareness and intention of the population to purchase halal cosmetic products. Nevertheless, the booming halal cosmetics sector and personal care has unintentionally raised concerns regarding the accuracy and authenticity of halal claims on cosmetic products. According to Statista Market Forecast, the Cosmetics market in Malaysia is expected to generate around US\$436.50 million in 2023, indicating a high demand for halal products leading to the abuse of its halal logo.

A significant issue arises from the fact that a large number of cosmetic and personal care products are manufactured by non-Muslim companies and originate from non-Muslim countries, raising questions about the halal status of their ingredients. Numerous cosmetics include alcohols that serve as humectants, aiding in the delivery of ingredients into the skin, as well as serving as emollients or cleansing agents. Similarly, certain moisturizers, shampoos, face masks, and lipsticks may contain fatty acids and gelatin sourced from pigs further complicating the issue of halal compliance (Ahmad et al., 2015). The heightened scrutiny by Muslim scholars in the cosmetics sector driven by suspicions of using enzymes from pork or alcohol in international brands poses a risk for fraud and misrepresentation of the Halal logo on cosmetic products (Septiarini et al., 2023). As the demand for halal products rises among Muslim consumers, there may be unscrupulous entities attempting to capitalize on this trend by falsely claiming that their products adhere to halal standards. This raises ethical concerns as consumers relying on the Halal logo may be misled into purchasing products that do not align with Islamic and ethical standards.

## Result and Discussion

The surge in demand for halal cosmetics in Malaysia has brought several challenges related to authenticity and compliance with halal claims, putting a risk to consumer trust and ethical standards. Addressing these issues requires robust procedures to ensure the accuracy of halal claims and maintain the integrity of halal products in the cosmetics market. The need for understanding in identifying example cases of misrepresentation and fraud activities is a crucial aspect in controlling and combating crime in cosmetics.

### *The Offences in The Production of Cosmetic Products That May Result in Fraud and Misrepresentation of Halal Logo*

The issuance of Halal certificates and logos in Malaysia is carried out by the Department of Islamic Development Malaysia (JAKIM) and the State Islamic Religious Council. Furthermore, it is imperative that a reliable Islamic organization authorizes and issues the Halal logo and certificate to prevent fraudulent activities and the dissemination of counterfeit and misleading Halal representation. In recent times, a significant proportion of companies have been discovered using either counterfeit Halal logos or logos that do not adhere to the regulations outlined by competent authorities (Shirin Asa, 2019). Consequently, consumers are growing increasingly concerned and are starting to cast doubt on the legitimacy of Halal enforcement agencies. Some of the offences that may result in fraud and misrepresentation of the Halal logo on cosmetic products can be seen below:

*Manufacturing or importing cosmetics without prior notification*

In the alluring world of cosmetics, where promises of radiance and rejuvenation abound, one might overlook the quiet but essential role of regulations. Among these, the seemingly mundane requirement for prior notification stands as a silent guardian, safeguarding both consumers and the very integrity of the industry (NPRA, 2023). At its core, prior notification acts as a preemptive filter, allowing regulatory bodies to scrutinize cosmetics before they grace store shelves. This crucial step ensures the products adhere to safety regulations, shielding consumers from potentially harmful ingredients or poorly formulated concoctions. This is because it may have a side effect for instance where a revolutionary anti-aging cream, harboring an undisclosed allergen, slips through the cracks. The consequences, from skin irritation to life-threatening reactions. Prior notification acts as a vigilant watchdog, preventing such scenarios by demanding transparency and thorough safety assessments (NPRA, 2023). But its significance extends beyond immediate protection. In an increasingly competitive landscape, prior notification fosters a level playing field. By mandating ingredient disclosure and labeling accuracy for all manufacturers, regardless of size or origin, prevents misleading claims and unfair practices. As an illustration, a smaller ethical brand struggling to compete against a larger one peddling vague promises and hidden chemicals. Prior notification empowers consumers to make informed choices, rewarding transparency, and honesty while penalizing deception (NPRA, 2023).

Furthermore, according to NPRA, 2023, the data gleaned from prior notifications transcends individual products, contributing to a broader understanding of the cosmetics industry. By analyzing trends in ingredients, formulations, and even packaging materials, regulatory bodies can identify potential emerging issues and adapt regulations accordingly. This proactive approach not only protects consumers from future threats but also promotes responsible sourcing and environmental sustainability. For instance, a surge in deforestation is linked to a popular ingredient in hair dyes. Prior notification data empowers authorities to investigate, enact stricter sourcing regulations, and protect precious ecosystems. It contributes to public health by allowing authorities to track the use of restricted substances and control potential environmental contaminants where a seemingly harmless nail polish contains a banned chemical with long-term health risks. Prior notification allows for early detection and intervention, safeguarding public health and preventing future generations from bearing the brunt of negligence (Kamaruddin et al., 2023). By ensuring transparency, promoting responsible sourcing, and empowering informed choices, prior notification plays a crucial role in shaping a world where beauty truly thrives on safety and ethical practices (NPRA, 2023). It is a silent guardian, standing watch over the ever-evolving landscape of cosmetics, ensuring that every swipe of mascara and every touch of lipstick comes with the promise of not just beauty, but also safety and integrity.

According to Regulation 18A (1) of the Control of Drugs and Cosmetic Regulation 1984, it is an offence for anyone to manufacture or import a cosmetic product without prior notification to the National Pharmaceutical Regulatory Agency (NPRA). This implies that failure to comply with the prior notification requirement is a violation of the regulation, and it may lead to legal consequences, including penalties, fines, or other enforcement actions. This regulation underscores the importance of regulatory compliance to ensure the safety and quality of cosmetic products in the Malaysian market. For anyone who is involved in the cosmetic industry in Malaysia, it is crucial to be aware of and adhere to the specific regulatory requirements outlined in the relevant legislation (Shirin Asa & Malaysia, 2018). The penalties for violating this regulation can be severe, including fines of up to RM20,000 (approximately USD 4,700). This is the most common penalty for minor violations. The exact amount of the fine will be determined by the court based on the severity of the offence. In addition, imprisonment of up to two years is a more serious penalty that is typically reserved for repeat offenders or those who have caused significant harm with their unregistered cosmetic products. Confiscation of the cosmetic product may also be imposed if there is any unregistered cosmetic product found by the authorities which can lead to significant financial losses for the manufacturer or importer. Beyond these immediate consequences, violating Regulation 18A (1) casts a long shadow on a business's reputation. Consumers, growing more conscious of safety considerations and ethical conduct, are inclined to avoid brands that prioritize financial gains over adherence to regulations. This erosion of trust has the potential to result in a significant decline in sales, posing a serious threat to the fundamental stability of a business. (Abdul Wahab et al., 2018).

*Mislabeling or misrepresentation of Halal status*

Mislabeling or misrepresentation of the Halal status of products refers to the act of inaccurately or falsely indicating that a product complies with Halal requirements when it does not (Syrett, 2022). This practice can occur in various industries, including the food, pharmaceutical sectors and particularly in the realm of cosmetics, is a serious offence with several detrimental consequences. It not only undermines consumer trust and religious beliefs but also poses potential health risks and disrupts fair market practices considering that the Halal logo signifies that the product has been produced in accordance with Islamic perspectives and guidelines (Hashim & Hashim, 2013). Hence, any attempt to falsely claim Halal status can mislead consumers and undermine their trust. The forms of misrepresentation include using the Halal logo without certification. Applying the halal logo to a product that hasn't undergone a proper halal certification process is the most blatant form of deception as well as logos from any official halal certification body, not just the generic Arabic script (Shirin Asa, 2019). Other than that, misleading ingredient lists may tend to conceal non-halal ingredients such as pork derivatives, alcohol, or certain animal-derived extracts, or using ambiguous terms like "natural" or "plant-based" to mask non-halal components are deceptive practices (Ahmad et al., 2015). For instance, false claims about halal sources like declaring ingredients as halal when they haven't been properly certified as such halal slaughter methods for animal-derived ingredients are misleading and potentially harmful.

Therefore, several significant consequences may occur because of these forms of misrepresentation in terms of consumer harm. Misrepresentation can expose consumers to non-halal ingredients, potentially violating their religious beliefs. It can also lead to allergic reactions or health concerns if non-halal ingredients are not disclosed adequately (Zakaria & Abdullah, 2019). Hence, erodes trust not only in specific brands but also in the entire halal certification system. This is because consumers rely on the accuracy of halal labeling to make informed choices. Consequently, it creates unfair market competition. Products falsely labeled as halal gain an unfair advantage over genuine halal products, disrupting fair competition and harming ethical businesses plus the violators may face significant fines, product recalls, and even imprisonment (*Trade Description (Certification and Marking of 'Halal') Order 2011*, n.d.).

*The use of fake or unauthorized Halal logo*

The Halal logo serves as an indicator that a product or service has been verified to meet the requirements of Islamic cosmetics (Hashim & Hashim, 2013). Authentic certification is usually provided by established Islamic authorities or organizations such as JAKIM following a comprehensive evaluation and validation of the entire production process to guarantee adherence to Halal criteria. Despite that, some unscrupulous entrepreneurs or sellers engage in deceptive practices by using fake or unauthorized Halal logos. This is another way of offence that may lead to fraudulent activities. They may either create counterfeit logos or use logos without proper authorization. For instance, in March 2014, a local company engaged in the production of health and beauty beverages was discovered to be involved in a deceptive practice (Shirin Asa, 2019). The issue revolved around the company's use of three invalid logo certificates on its products. These certificates, which presumably indicated Halal status or compliance with certain standards, were later revealed to be unauthorized and invalid.

This case highlights a serious breach of trust and potential fraud within the health and beauty beverage industry. The use of invalid logo certificates implies a misrepresentation of the products as meeting specific standards, in this instance, likely related to Halal requirements. Such deceptive practices not only jeopardize the trust of consumers who rely on accurate labeling for their purchasing decisions but also undermine the overall integrity of the industry. In response to such incidents, regulatory bodies and enforcement agencies, such as JAKIM or officers of the Domestic Trade Cooperatives and Consumerism Ministry (MDTCC), have the power to take legal action against the company. This is to ensure that businesses adhere to the established regulations and obtain proper certifications from authorized bodies. Such cases emphasize the ongoing need for robust monitoring and enforcement mechanisms to maintain the credibility of product certifications and protect consumer interests in the health and beauty beverage market.

For that reason, the use of a fake Halal logo can result in several detrimental consequences in terms of consumer health and safety, deception of consumers, economic exploitation, and harm to legitimate Halal businesses (Shirin Asa, 2019). This is because some Halal cosmetics avoid animal-derived ingredients like pig fat or collagen. A fake logo could mask the presence of these ingredients, misleading consumers who choose cosmetics based on their ethical or religious preferences. Along with that, certain types of alcohol are prohibited in Halal cosmetics which might be irritating or harmful to individuals with sensitive skin and could trigger allergic reactions, rashes, or even more severe health problems (Ab Halim et al., 2015). The presence of fake Halal logos can also harm legitimate businesses that have invested time and resources to ensure their product complies with Halal standards (Abdul Wahab et al., 2018). It creates unfair competition and undermines the credibility of the entire Halal certification system. Businesses engaging in such practices are exploiting the demand for Halal products and services within the Muslim market. This can lead to economic losses for consumers who unknowingly purchase non-compliant items.

#### *Failure to comply with Halal certification standards*

This offence includes the use of non-halal ingredients or not following the standards or proper production process including substances derived from non-halal sources or parts of animals like gelatin or collagen obtained from prohibited animals like pigs, without proper disclosure on the product label (Abdul Wahab et al., 2018). This is due to the fact that cosmetics manufacturers must adhere to the Halal certification standards set by JAKIM and other authorized bodies. These standards encompass various aspects of production, from sourcing ingredients to manufacturing processes, ensuring that the final product meets the necessary Halal requirements. Non-compliance such as improper production processes can also arise from deviations in the production process that contravene established Halal standards (Abdul Wahab et al., 2018). This may involve contamination during manufacturing where the cosmetics company neglects to segregate production lines for halal and non-halal products, thereby compromising the halal status of the products. In addition, neglects to obtain or renew its Halal certification, despite marketing its products as Halal, resulting in a breach of regulatory requirements under the Trade Description Act 2011 (Shirin Asa, 2019). Therefore, failing to comply with Halal certification standards for cosmetic products is a serious matter with far-reaching consequences for manufacturers, consumers, and the Halal industry as a whole. While unintentional errors can occur, deliberate misrepresentation or disregard for Halal principles can erode consumer trust, damage industry reputation, and even incur legal repercussions.

In conclusion, the potential offenses in the production of cosmetic products that may result in fraud and misrepresentation of the Halal logo underscore the importance of stringent regulatory measures and ethical business practices within the cosmetic industry. Instances such as the use of non-halal ingredients, manufacturing cosmetics without prior notification, unauthorized application of the Halal logo, misleading labeling or failure to comply Halal standards can have severe consequences on adherence to Islamic principles. These examples highlight the importance of a rigorous certification process and vigilance on behalf of both consumers and regulatory bodies to ensure the integrity of the Halal cosmetic industry. Halal certification is crucial in the cosmetics industry to assure consumers that products align with Islamic principles and are free from any non-halal elements. Failure to comply with these standards not only violates regulatory requirements but also erodes consumer trust, potentially leading to legal consequences, damage to reputation, and financial implications for the offending companies. Hence, it is necessary to comprehend the key authorities engaged in addressing this matter and recognize their vital roles, as this understanding is essential for managing and mitigating the potential risks of fraud and misrepresentation.

#### ***The Respective Agencies or Authorities Involved in Halal Implementation for Cosmetic Products in Malaysia and Their Roles Related to These Matters***

In recent years, the Halal industry has witnessed a remarkable surge, particularly in the realm of cosmetics. Malaysia, a nation with a predominantly Muslim population, has emerged as a frontrunner in this domain, boasting a thriving Halal cosmetics market. This burgeoning sector necessitates a robust regulatory framework to ensure the adherence of cosmetic products to Islamic principles. The process of implementing Halal standards for cosmetic products in Malaysia requires the collaboration of diverse

agencies and authorities to ensure that these products comply with Islamic principles including the Department of Islamic Development Malaysia (JAKIM), Ministry of Health Malaysia (MOH), the Malaysian Quarantine and Inspection Services (MAQIS), and National Pharmaceutical Regulatory Agency (NPRA) (Abdul Halim, n.d.). These groups collaborate to create standards and rules for certifying cosmetics as Halal.

#### *Department of Islamic Development Malaysia (JAKIM)*

JAKIM is acknowledged as the primary halal certification agency in Malaysia. They have a wide role which involves verifying that food, beverages, medications, and cosmetic products adhere to the standards and processes for halal certification (JAKIM, n.d.). The agency plays a crucial role in assuring consumers that the products they consume, or use is halal (Abdul Halim, n.d.). By upholding these standards, JAKIM helps to maintain the trust and confidence of the Muslim community in Malaysia. Their certification is a significant factor in the halal industry and assures consumers seeking halal products. JAKIM plays a role in defining and establishing the standards and guidelines for Halal certification, which encompass aspects of the cosmetic production process. This includes sourcing ingredients, manufacturing procedures, and packaging. When it comes to certifying products cosmetics, JAKIM is the authority responsible for issuing Halal certifications. Cosmetic companies must undergo a certification process to ensure that their products align with the Halal requirements set by JAKIM (Shirin Asa, 2019). Besides, JAKIM conducts inspections and audits of facilities to verify that companies are adhering to Halal standards. This involves assessing the entire production chain, from raw material procurement to the final packaging of the cosmetic

#### *Ministry of Health Malaysia (MOH)*

The Ministry of Health (MOH) in Malaysia plays a specific role in ensuring the health and safety aspects of cosmetic products, including those seeking Halal certification. While the primary responsibility for Halal certification lies with the Department of Islamic Development Malaysia (JAKIM), MOH focuses on health and safety standards. Here are the roles of the Ministry of Health in the Halal implementation for cosmetic products in Malaysia. MOH takes on the essential responsibility of evaluating the ingredients used in cosmetic products to ascertain their compliance with safety regulations (Shirin Asa & Malaysia, 2018). Through rigorous assessment, potential health risks associated with these ingredients are thoroughly analyzed, ensuring that only safe and suitable components are utilized in cosmetic formulations. This meticulous evaluation process is crucial in safeguarding the well-being of consumers and preventing the introduction of harmful substances into cosmetic products. Another key aspect of MOH's regulatory oversight involves ensuring that cosmetic products adhere to stringent regulations governing labeling and packaging (Shirin Asa & Malaysia, 2018). This entails verifying that product labels accurately convey essential information, including comprehensive ingredient lists and clear usage instructions. By enforcing compliance with these regulations, MOH aims to empower consumers with the necessary knowledge to make informed choices while also promoting transparency within the cosmetic industry. In addition to ingredient evaluation and labeling compliance, MOH upholds a broader mandate to ensure the overall safety and quality of cosmetic products. This encompasses the establishment and enforcement of standards aimed at mitigating potential health risks posed by cosmetics, thereby fostering a marketplace where consumers can have confidence in the safety and efficacy of the products they use. Moreover, MOH's meticulous monitoring of cosmetic products is driven by the unwavering commitment to safeguarding public health and safety (Shirin Asa & Malaysia, 2018). Through stringent oversight, the ministry ensures that cosmetic products meet established health standards and are devoid of substances that could pose harm to users. This proactive approach is indispensable in preserving the well-being of consumers and fostering a marketplace where safety and quality are paramount. In addition to its regulatory functions, the MOH actively engages in consumer protection measures. This involves responding to complaints, conducting investigations, and taking appropriate actions to address health and safety concerns related to cosmetic products (Othman et al., 2021). Furthermore, the MOH collaborates with the Department of Islamic Development Malaysia (JAKIM) to ensure that cosmetic products seeking Halal certification also meet health and safety standards. This collaborative effort reflects a holistic approach, where religious considerations and health standards intertwine to guarantee the overall quality and safety of cosmetic products in Malaysia.

*Malaysian Quarantine and Inspection Services (MAQIS)*

The roles of MAQIS in the context of Halal implementation for cosmetic products are not as central as those of other agencies such as JAKIM or MOH since they might have indirect involvement related to import and export activities through the customs process. They focus on the inspection and quarantine of agricultural and food products, with an emphasis on ensuring compliance with health, safety, and quality standards (Shirin Asa, 2019). While the specific oversight of Halal certification falls under JAKIM's purview, MAQIS' involvement in customs and border control activities allows for the facilitation of compliant goods through the customs process. According to Othman et al. (2021), MAQIS verifies the halal status of cosmetic products by conducting thorough inspections and assessments of the import and export of goods, including cosmetic products. They examine the entire supply chain, from raw materials to the finished products, to ensure that all stages of production align with halal principles. Along with that they also monitor the movement of cosmetic products at entry points, such as ports and airports, to prevent the entry of non-halal or counterfeit products into the country. This verification process and control mechanism helps to maintain the integrity and authenticity of imported cosmetic items. Apart from JAKIM and MOH, MAQIS also has the power to enforce the halal laws and regulations pertaining to cosmetic products in Malaysia by having the authority to take legal action against individuals or companies that are found to be in violation of these requirements. This means that if MAQIS identifies any non-compliance with the halal standards set for cosmetic products, they have the power to initiate legal proceedings against the responsible parties. This may include issuing fines, sanctions, or other punitive measures to ensure adherence to the halal laws and regulations (*Trade Description (Certification and Marking of 'Halal') Order 2011*, n.d.).

*National Pharmaceutical Regulatory Agency (NPRA)*

NPRA is responsible for the regulation and control of pharmaceutical products, including cosmetics that may contain medicinal ingredients. However, when it comes to Halal implementation for cosmetic products in Malaysia, the direct involvement of NPRA may be limited, as the primary authority for Halal certification is JAKIM. NPRA is the regulatory body responsible for overseeing the registration and notification of pharmaceutical products, which may include cosmetic medicinal properties. By meticulously monitoring and regulating these products, NPRA contributes to the safeguarding of public health and the prevention of potential risks associated with pharmaceutical and cosmetic usage (Karim, 2022). Moreover, NPRA conducts thorough reviews of the formulations and ingredients of cosmetic products, particularly those with medicinal or therapeutic claims (Shirin Asa, 2019). By scrutinizing the components of these products, NPRA aims to mitigate potential health risks and ensure that consumers have access to safe and effective cosmetic products that meet established regulatory benchmarks. In addition to its oversight and review functions, NPRA is intricately involved in the registration and licensing of pharmaceutical and cosmetic products. This process involves a comprehensive evaluation of product documentation, encompassing intricate details about ingredients, manufacturing processes, and compliance with regulatory standards (Karim, 2022). Through this rigorous evaluation, NPRA strives to ensure that only products meeting the requisite safety and quality criteria are authorized for distribution and use in the market. Additionally, NPRA conducts post-market surveillance to monitor the safety and quality of pharmaceutical and cosmetic products which involves investigating any adverse events and taking necessary regulatory actions when required (Karim, 2022). Through these surveillance efforts, NPRA demonstrates its commitment to continually ensuring safety and quality, thereby upholding public trust in the pharmaceutical and cosmetic products accessible in the market.

*Cosmetic Notification*

By virtue of the study by Abdul Wahab et al. (2018), the oversight of cosmetic products in Malaysia falls under the Control of Drugs and Cosmetic Regulations (CDCR) 1984, which were established in accordance with the Sale of Drugs Act 1952. In line with the standardization of cosmetics under the ASEAN Cosmetic Directive (ACD), the regulation of cosmetic products in Malaysia commenced with a notification procedure effective from January 1, 2008. The Cosmetic Notification Holder (CNH) must adhere to all the specified requirements in this guideline and provide a declaration upon notifying the Director of Pharmaceutical Services (DPS) through the National Pharmaceutical Regulatory Agency



(NPRA). If a false declaration is made or if the product is discovered to be non-compliant with the regulations and guidelines, regulatory measures will be implemented. According to Regulation 18A (1) of the Control of Drugs and Cosmetic Regulations 1984, it is prohibited for any individual to manufacture, sell, supply, import, or possess any cosmetics unless the cosmetic has been notified. Engaging in these activities without prior notification to the Director of Pharmaceutical Services is considered an offense.

Notification is essential as it enables the NPRA to verify that cosmetic products comply with all regulatory standards before being marketed and circulated in the market (Ruslan et al., 2018). It is crucial to emphasize that producing and attempting to sell unregistered cosmetic products is against the law, and failure to comply may result in legal repercussions. In simple terms, individuals or businesses intending to sell cosmetic products must inform the agency. If the products are not owned by the notifying party, NPRA will request a letter of authorization granting permission to market or sell the product (Karim, 2022). The required authorization is a crucial document that is necessary for the registration process. Without it, the registration cannot proceed.

The process of obtaining a Halal certification includes several stages, such as verifying ingredients, following specific manufacturing procedures, and packaging (Hussin et al., 2012). This means that the manufacturers are required to confirm that all components in their items are Halal and comply with particular manufacturing practices, such as using dedicated equipment and facilities for Halal and non-Halal products. Upon meeting all the essential requirements, a product can be put forward for certification. The certification process includes thorough inspections and audits to guarantee adherence to Halal standards (Othman et al., 2021). This certification not only provides consumers with confidence in the product's Halal status but also enables businesses to access the expanding market for Halal cosmetics. The Halal cosmetics sector in Malaysia has gained significant attention from both local and international brands. As the demand for Halal products continues to rise, the government and relevant authorities are actively refining the regulatory framework to bolster the growth of the Halal cosmetics industry. As such, it is mandatory for authorities to collaborate and actively contribute, in conjunction with existing laws, to combat the misuse of the Halal logo in cosmetic products.

### ***The Existing Regulatory Laws That Govern the Halal Logo on Cosmetic Products in Malaysia***

In Malaysia, the regulation of the Halal logo on cosmetic products is governed by a comprehensive framework of laws and guidelines aimed at ensuring the authenticity and compliance of Halal-certified cosmetic items. The country, with its focus on Halal standards, has established specific regulatory measures to oversee the use of the Halal logo on cosmetic products, addressing various aspects of certification, production, trade, and consumer protection. These laws are designed to prevent fraud and misrepresentation related to the Halal logo (Shirin Asa, 2019). In the context of cosmetics, the Halal logo signifies that the product complies with Islamic principles and is permissible for use by Muslims. Understanding the existing regulatory laws and guidelines is crucial for businesses, consumers, and regulatory authorities to navigate the Halal certification process and ensure the availability of genuine Halal-compliant cosmetic products in the market (ISA, 2023). The regulatory laws likely outline specific criteria and requirements that cosmetic products must meet to be eligible for the Halal logo. This could include guidelines related to the sourcing of ingredients, manufacturing processes, and overall adherence to the Syariah law (Malaysia, 2008). By having these regulatory laws, authorities aim to ensure that businesses do not falsely claim their products are Halal when they do not meet the necessary standards, preventing deception and maintaining the integrity of the Halal certification process in the cosmetics industry.

Malaysia has a national standards body known as the Department of Standards Malaysia (Standards Malaysia). It operates under the Ministry of International Trade and Industry (MITI). The department is responsible for developing and promoting national standards to enhance the quality and competitiveness of Malaysian products and services. Standards Malaysia plays a crucial role in facilitating trade ensuring consumer safety and promoting innovation and technological advancement. These standards cover a wide range of areas, including product specifications, quality management systems, environmental management, and information technology (Shirin Asa, 2019). Adherence to standards helps Malaysian businesses meet international requirements, fosters consumer confidence,

and supports the overall growth and development of the Malaysian economy. Standards Malaysia also participates in international standardization activities to ensure that Malaysian products and services are aligned with global benchmarks.

*MS 2200: Part 1:2008 Islamic Consumer Goods: Cosmetic and Personal Care*

This Malaysian Standard offers practical recommendations for the halal cosmetic and personal care sector. It functions as a fundamental prerequisite for businesses engaged in cosmetics and personal care, as well as trade activities in Malaysia. It is recommended to utilize this standard in conjunction with the Guidelines for Control of Cosmetic Products in Malaysia and the Guidelines on Cosmetic Good Manufacturing Practice provided by the National Pharmaceutical Control Bureau (NPCB) (Malaysia, 2008).

According to this standard, Halal cosmetic and personal care products, along with their accessories are permissible under Syariah law and must meet specific conditions. These conditions include avoiding ingredients derived from human parts, refraining from substances sourced from animals prohibited by Syariah law, ensuring no contamination with impure substances during preparation, and preventing harm to the consumer or user. Additionally, strict measures are to be taken to avoid contact or physical proximity with materials that do not adhere to these outlined requirements. For instance, in terms of sources of cosmetics itself, if the cosmetic sources contain land animals, they must be derived from Halal land animals and slaughtered according to Syariah law and ensure that products must be Halal if sourced from fur, hair, and related materials of land animals harvested while alive. Despite that, all sources from plants and microorganisms in land, air, soil, and water, including by-products such as minerals or any personal care produced synthetically or containing alcohol excluding alcoholic drinks (khamar), are generally halal for use, except for those deemed hazardous or mixed with najis (Malaysia, 2008).

On top of that, to uphold cleanliness while preparing and handling cosmetic products, it is crucial to prioritize personal hygiene, wear suitable clothing, and maintain cleanliness in appliances and processing areas. Cleanliness is characterized by the absence of impurities, dirt, microorganisms, and harmful contaminants. Employees and visitors must comply with the stipulated dress code and utilize designated appliances in accordance with regulations established by competent authorities, such as NPCB.

*MS 2200: Part 2:2013 Islamic Consumer Goods: Usage of Animal Bone, Skin and Hair*

This Malaysian Standard gives practical guidelines for the relevant industries of the usage of bone, skin and hair in accordance with Syariah law. By virtue of this standard, used goods from animal bones, skins and furs can be considered halal if they fulfill certain conditions outlined by the Syariah law. These conditions encompass the absence of materials from dogs, pigs, their offspring or derivatives, being from impurities according to Syariah law, ensuring safety and non-harmful effects on health, not being processed or manufactured using contaminated equipment or materials, and exclusion of human parts or prohibited organs. For instance, the use of bone obtained from a living halal animal is considered as najis and forbidden by Syariah since it is impure and unclean (Ab Halim et al., 2015). Halal animals are those that are considered clean and safe for consumption in Islam, and their meat is allowed to be consumed (Mohd Izhar Ariff et al., 2023). However, the use of their bones is not considered halal or permissible. In Islam, the concept of cleanliness and purity is closely related to the concept of health and well-being. The use of impure or unclean materials can lead to health issues and is therefore forbidden by Islamic law. Thus, it is not allowed in Islam to use bones from living halal animals.

Besides, during the various stages of preparation, processing, packaging, storage, or transportation, these goods should be kept separate from other used goods that do not meet the specified conditions or from materials confirmed as impure according to Syariah law. It essentially means that these products must be physically segregated from used goods that don't meet halal requirements. This includes equipment, machinery, or production spaces previously used for non-halal products and cross-contamination from non-halal materials is strictly prohibited because it could render the entire product unlawful or haram, making it unusable for Muslims (Ab Talib & Mohd Johan, 2012). In addition, to

ensure that halal products don't come into contact with anything could compromise their purity. This is crucial for upholding religious principles and consumer trust and creates a transparent supply chain, allowing consumers to trust the halal claims of the products.

#### *Trade Description (Certification and Marking of Halal) Order 2011*

According to Paragraph 3 of the Trade Descriptions (Halal Certification and Labelling) Order 2011 designates JAKIM and State Islamic Religious Council (MAIN) as the recognized halal certification bodies in Malaysia. These agencies are entrusted with recommending and certifying the legitimacy and halal status of food, goods, and services in accordance with the 2011 Definition of Halal Order. These provisions serve as safeguards to prevent the misuse of halal certificates and logos by entrepreneurs and ensure accuracy in halal certification and labeling (Zakaria & Abdullah, 2019). The standardization of halal logos also facilitates Muslims in making informed choices when selecting halal products in the market. The Halal Labelling Order has implemented two approaches for endorsing the halal status of food and imported goods available in Malaysia (Abdul Wahab et al., 2018). Initially, importers have the option to obtain halal certification from JAKIM or MAIN, allowing them to affix the respective body's halal logo on their products. Halal certification is also attainable from international halal certification bodies and producer countries acknowledged by JAKIM, including but not limited to Australia, New Zealand, Belgium, China, Japan, and Indonesia (Abdul Wahab et al., 2018). Therefore, it is strictly prohibited to self-claimed "halal" descriptions or logos without proper certification. This is because the order requires that all halal products be marked with a halal logo or symbol, indicating that they have been certified as halal (Zakaria & Abdullah, 2019).

Any party found to violate any provision or found guilty of using false or misleading halal claims, resulting in an offense, will be subject to the stipulations outlined in Paragraph 8(a) of the Halal Labelling Order. Meaning that upon conviction, the company committing the offense may face a fine of up to RM200,000 for the initial offense and a fine not exceeding RM500,000 for a second or subsequent offense. Individuals facing penalties may be subject to a fine not surpassing RM100,000 or imprisonment for a duration not exceeding 3 years, or both. In the case of a second or subsequent offense, the penalty may involve a fine not exceeding RM250,000, imprisonment not exceeding 5 years, or both to control any attempts at fraudulent practices.

By having this particular order, consumers aware of their rights under this order and any reported instances of suspected fraud can contribute to enforcement efforts which strengthens the system's effectiveness in preventing misrepresentation (Abdul Wahab et al., 2018). This is due to the fact that all halal certifications issued by JAKIM and MAIN are recorded in a central database accessible to the public. This allows consumers to verify the authenticity of a product's halal claims by referencing the certification details. In addition to the publicly accessible information, this order enables in monitoring supply chain whereby encourages traceability within the halal supply chain by requiring certified businesses to maintain records of their suppliers and ingredients (Abdul Wahab et al., 2018). This facilitates investigations into potential fraud and helps pinpoint the source of any misrepresentation. Thus, it clearly showed that the Trade Descriptions (Certification and Marking of Halal) Order 2011 aims to ensure that halal products in Malaysia meet the required standards and are properly certified and marked, thereby protecting the interests of consumers and preventing fraudulent practices in the halal industry.

#### *Trade Description (Definition of Halal) Order 2011*

The Trade Descriptions (Definition of Halal) Order 2011 includes clauses concerning the definition of Halal, as well as specifying offenses such as misuse, deception, and confusion, along with their corresponding penalties. Paragraph 3 provides a definition for halal products, stating that they are items free from forbidden animal parts, adhere to Islamic slaughtering laws and fatwa requirements, lack impurities or excrement, are non-intoxicating, devoid of human parts or members, pose no toxicity or health hazards, and are prepared, processed, or manufactured using equipment untainted by feces. Furthermore, these products must not come into contact, mix with, or be in proximity to anything non-halal during their preparation, processing, or storage. This definition aligns with the principles of halalan tayyiban and Islamic law (Arif & Sidek, 2015). Indeed, the definition is more inclusive as it encompasses a broader range of products and services, including both food and non-food items. This is

in contrast to the Trade Descriptions (Usage for the Halal Debate) 1975, which is confined to the context of food products only (Abdul Wahab et al., 2018).

Paragraph 4 of the Halal Definition prohibits any form of representation or action that might create a false impression or confusion, leading individuals to believe that a certain item is halal or suitable for consumption by Muslims. For instance, establishments providing food, goods, or services that are not halal, yet have employees donning a skullcap, songkok, or headscarf commonly worn by Muslims, or incorporating the words "Allah" and "Bismillah" in a restaurant, indirectly suggesting that the offerings are halal for Muslim consumers, despite the contrary reality. These practices have the potential to mislead or deceive Muslims regarding the halal status of the products and services offered by the establishment (Abdul Wahab et al., 2018). Meanwhile, the consequences for companies committing an offense under Paragraph 4 of the Halal Definition Order are more stringent, encompassing a fine not surpassing RM5 million. For repeat offenders, the penalty escalates to a maximum of RM10 million. Individuals, on the other hand, may face a fine not exceeding RM1 million and a prison term not exceeding 3 years, or both. In the case of a repeated offense by an individual, the penalty increases to a fine not exceeding RM5 million and imprisonment not exceeding 5 years, or both.

It's important to take into consideration that the Order primarily deals with food and goods, not cosmetics. Nonetheless, the definition of "halal" by this Order focuses on ingredients and processes prohibited for consumption. While applicable to some cosmetic ingredients, it doesn't fully address other aspects of halal cosmetics, such as ethical sourcing of ingredients or animal testing considerations. While not directly aimed at cosmetics, the Trade Descriptions (Definition of Halal) Order 2011 still plays a supportive role in preventing fraud and misuse in halal cosmetic products by standardizing the definition of "halal," discouraging misrepresentation, promoting transparency, and complementing existing cosmetic regulations. However, it's crucial to remember that specific cosmetic regulations are in place for safety and quality, and further development of standards dedicated to halal cosmetics might be necessary for a more comprehensive system.

#### *Manual Prosedur Pensijilan Halal Malaysia 2020 (MPPHM)*

For Muslim, consumers and businesses alike, navigating the realm of halal products and services can be a complex but rewarding journey. Ensuring products adhere to Islamic and ethical principles requires meticulous attention to detail and a rigorous certification process. In Malaysia, the Manual Prosedur Pensijilan Halal Malaysia 2020, also known as the MPPHM 2020, outlines the step-by-step process for obtaining halal certification for products and services within Malaysia. Halal certification is a systematic process that ensures products and services comply with Islamic laws and are permissible for consumption by Muslims (Hashim & Hashim, 2013). The certification process is often governed by specific procedures outlined in manuals or guidelines. These procedures aim to maintain the integrity of the Halal certification system and provide transparency to businesses and consumers.

The MPPHM 2020 lays out a clear and comprehensive framework for domestic companies and individuals seeking halal certification. Its scope stretches far beyond the realm of just food, encompassing non-food products and services as diverse as tourism, cosmetics, and even logistics. This inclusivity underscores the growing awareness of the holistic nature of halal principles, extending beyond mere consumption to encompass ethical sourcing, production processes, and even service delivery. At the heart of this intricate process lies the Halal Management System (HMS). It guides companies in designing and implementing internal procedures that guarantee consistent halal compliance. This requires not only meticulous record-keeping of ingredients and suppliers but also the constant refinement of production processes and employee training to ensure every step in the journey adheres to halal principles (Shirin Asa & Malaysia, 2018). From the initial application and document review to the pre-audit and main audit, every step is designed to uncover any potential discrepancies and guide the applicant toward achieving true halal integrity.

After navigating the rigorous terrain of audits and assessments, the applicant reaches the Shariah Committee, an authorized body tasked with making the final call on certification. Their deliberation weighs not only on technical compliance but also on the broader ethical implications of the product or service, ensuring that the halal mark truly signifies a commitment to Islamic values (Shirin Asa & Malaysia, 2018). The manual is an essential guide for businesses and organizations, and it plays a crucial

role in ensuring compliance with halal standards and preventing fraud and misuse in the halal industry in Malaysia.

#### *Malaysian Halal Management System 2020 (MHMS)*

The Halal Assurance Management System, known as HAS, was initially introduced in 2011 when the Islamic Development Department of Malaysia (JAKIM) published the Guidelines for Halal Assurance Management System for Malaysia Halal Certification. The introduction of the Malaysian Halal Management System (MHMS 2020) marked the replacement of the Guidelines for Halal Assurance Management System for Malaysia Halal Certification. The MHMS 2020 outlines the implementation details, encompassing:

- 1) Internal Halal Control System (IHCS), designed for application by small and micro industries.
- 2) Halal Assurance System (HAS), tailored for application by large and medium industries.

The company or applicant bears the responsibility for ensuring continuous compliance with all Malaysian Halal Certification requirements through the implementation of MHMS. This document seeks to provide a comprehensive explanation of the necessity to create, execute, and sustain Halal assurances in order to fulfill and adhere to the procedures outlined in Malaysia's Halal Certification. Besides, MHMS 2020 serves as a guide for competent authorities, companies, or SPHM applicants in establishing the internal Halal control system requirements applicable to SPHM holding companies and it should be read together with the Malaysian Standard, the Malaysian Halal Certification Procedure Manual (MPPHM), fatwas, laws, regulations, and circulars employed in the Malaysian Halal Certification process.

Thus, the existing regulatory laws governing the Halal logo on cosmetic products in Malaysia play a pivotal role in ensuring the authenticity, integrity, and compliance of such products with Islamic principles. The guidelines set by authoritative bodies like the Department of Islamic Development Malaysia (JAKIM) and State Islamic Religious Councils serve as crucial safeguards against fraud, misrepresentation, and the misuse of the Halal logo. The imposition of penalties for non-compliance underscores the commitment to upholding the sanctity of Halal standards in the cosmetic industry.

As Malaysia continues to be a significant player in the global Halal market, these regulatory laws contribute to building consumer trust, both domestically and internationally. The evolution of frameworks such as the Malaysian Halal Management System (MHMS 2020) reflects an ongoing effort to refine and strengthen regulatory measures, ensuring that the cosmetic industry aligns with Halal principles and meets the expectations of Halal-conscious consumers. In this way, the regulatory landscape not only sets standards for compliance but also fosters a transparent and accountable environment, ultimately benefiting both businesses and consumers in the pursuit of genuine Halal cosmetic products.

#### **Conclusion**

Halal product is a basic need for all Muslims. The development of a method detecting and authenticating non-halal ingredients is a must and critically needed. The Halal standards such as MS 2200 for cosmetic products act as guidelines in order to produce quality Halal cosmetic products for consumers. Nevertheless, strengthening the Halal certification process, enhancing enforcement mechanisms, and implementing strict penalties for offenders are critical steps to deter fraudulent practices. Additionally, consumer education initiatives are essential to empower individuals with the knowledge needed to make informed choices and distinguish genuine Halal-certified products from deceptive ones.

While government-enacted laws are expected to resolve the issue of counterfeit halal logos and certificates from unreliable sources, it is crucial to establish policy mechanisms that bolster the trust of Muslims in product certification. Multiple legislations are in effect to safeguard consumers concerning halal cosmetics and products. Furthermore, policymakers need to heighten their focus on the issue, considering that breeders, slaughterhouses, certifying agencies, retailers, consumers, and religious

representatives often hold divergent interests and perspectives regarding halal production and processing. Such differences may pose a risk to the economic prospects of the halal market in the future.

In addition, upon scrutinizing all the aspects of halal regulations, it becomes evident that there are gaps in the enforcement of these laws. The existing provisions are considered inadequate to effectively address all issues related to halal violations unless the authorities enhance their monitoring and enforcement capabilities. The current legislation seems to primarily focus on facilitating the local or global cosmetic market in Malaysia, highlighting a deficiency in building trust among Muslims regarding halal products. Furthermore, there is a need to enhance the enforcement of laws and improve monitoring procedures both before the application of the halal logo and after obtaining the halal certificate.

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