



Halal-related Breaches

Module 6

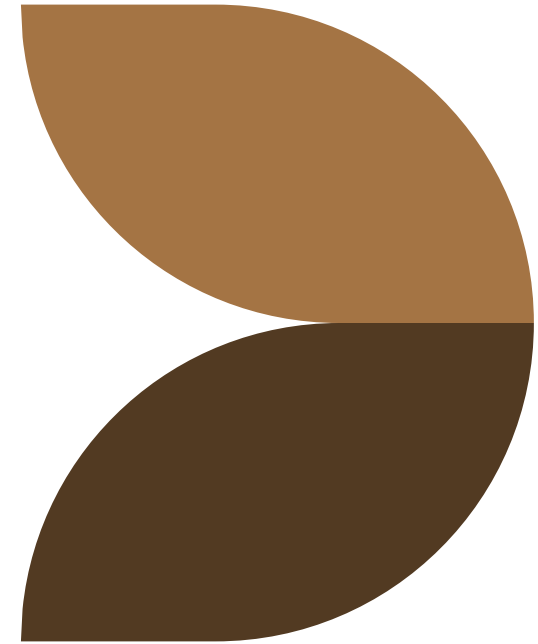
Learning Objectives

At the end of this module, you should be able to:

- ✓ Recognise the legal provisions relating to Muis Halal Certification
- ✓ Identify Halal-related breaches
- ✓ Learn from past case studies so as to avoid committing breaches

Legal Provisions for Halal Certification

1. Administration of Muslim Law Act (AMLA): Section 88A
2. Penal Code: Section 463
3. Sale of Food Act (Chapter 283): Section 17
4. Muis Halal Certification Conditions



ADMINISTRATION OF MUSLIM LAW ACT

88A – (1) The Majlis may issue halal certificates in relation to any product, service or activity and regulate the holders of such certificates to ensure that the requirements of the Muslim law are complied with in the production, processing, marketing or display of that product, the provision of that service or the carrying out of that activity.

(2) An application for a halal certificate shall be in such a form as the Majlis may require.

(3) The Majlis may, in issuing a halal certificate, impose such condition as it thinks fit and may at any time vary, remove or add to such condition.

(4) The Majlis may, by notification in the Gazette, specify any certification mark of the Majlis for use in relation to any product, service or activity in respect of which it has issued a halal certificate under subsection (1).

(5) Any person who, without the approval of the Majlis:

(a) issues a Halal certificate in relation to any product, service or activity; or

(b) uses any specified Halal certification mark or any colourable imitation thereof,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or both.

(6) The Majlis may, in granting approval to any person to issue any Halal certificate or to use any specified Halal certification mark, impose such condition as it thinks fit and may at any time vary, remove or add to such condition.

(7) The Majlis may revoke or suspend its approval granted to any person to issue any Halal certificate or to use any specified Halal certification mark if that person fails to comply with any condition imposed under subsection (6).

(8) Any person aggrieved by any decision of the Majlis made under this section may appeal to the Minister whose decision shall be final.

Section 88A(1)

The Majlis may issue halal certificates in relation to any product, service or activity and regulate the holders of such certificates to ensure that the requirements of the Muslim law are complied with in the production, processing, marketing or display of that product, the provision of that service or the carrying out of that activity.

Section 88A(5)

Any person who, without the approval of the Majlis:

- (a) issues a Halal certificate in relation to any product, service or activity; or
- (b) uses any specified Halal certification mark or any colourable imitation thereof,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or both.

Section 88A(6) & (7)

(6) The Majlis may, in granting approval to any person to issue any Halal certificate or to use any specified Halal certification mark, impose such condition as it thinks fit and may at any time vary, remove or add to such condition.

(7) The Majlis may **revoke or suspend** its approval granted to any person to issue any Halal certificate or to use any specified Halal certification mark if that person fails to comply with any condition imposed under subsection (6).

PENAL CODE

SECTION 463

Whoever makes any **false** document or electronic record or part of a document or an electronic record **with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any expressed or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.**

SALE OF FOOD ACT (CHAPTER 283)

SECTION 17

FALSE LABELLING, ETC.

No person shall sell any food which is labelled or advertised in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its value, merit or safety.

4

MUIS HALAL CERTIFICATION CONDITIONS (HCC)

There are different HCC documents for the various schemes.

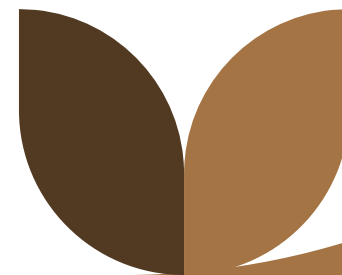
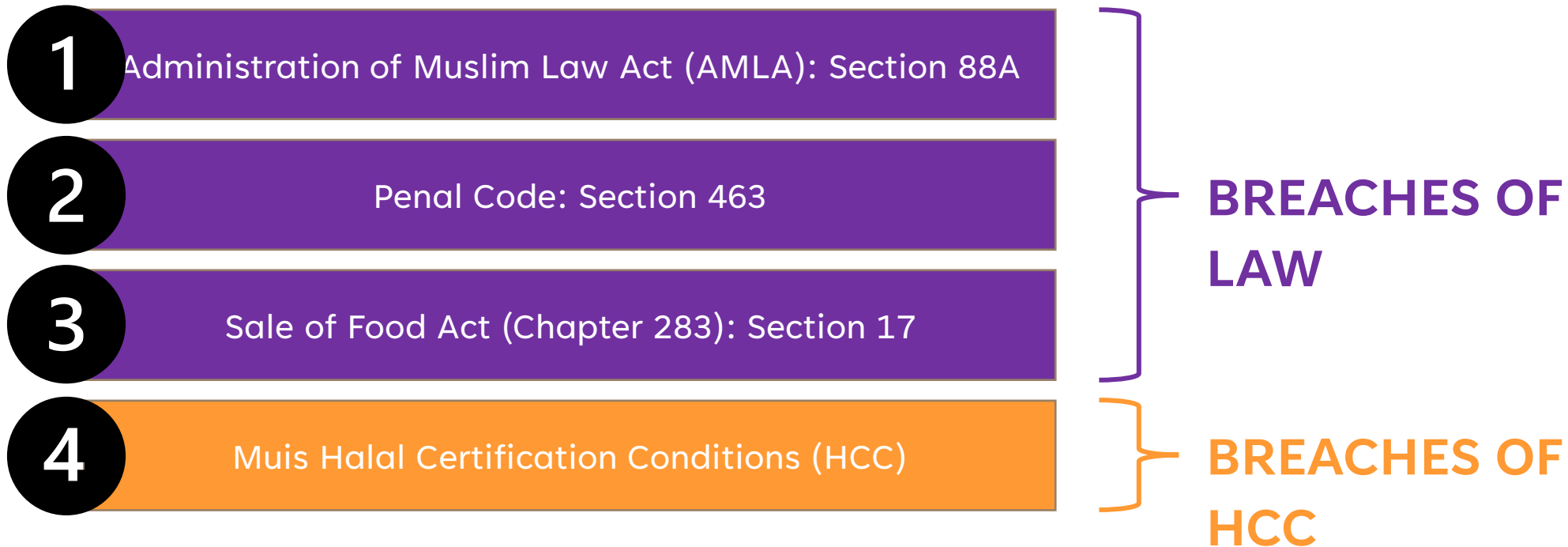
1. Eating Establishment – Category 1
2. Eating Establishment – Category 2
3. Food Preparation Area
4. Poultry Abattoir
5. Product / Whole Plant
6. Storage Facility
7. Endorsement

For more information on the Muis HCC, please scan the QR code below:



<https://www.muis.gov.sg/Halal/Halal-Certification/Scheme-Types-Eligibility-Criteria-HCC>

Legal Provisions for Halal Certification



Potential Breaches

BREACHES OF LAW

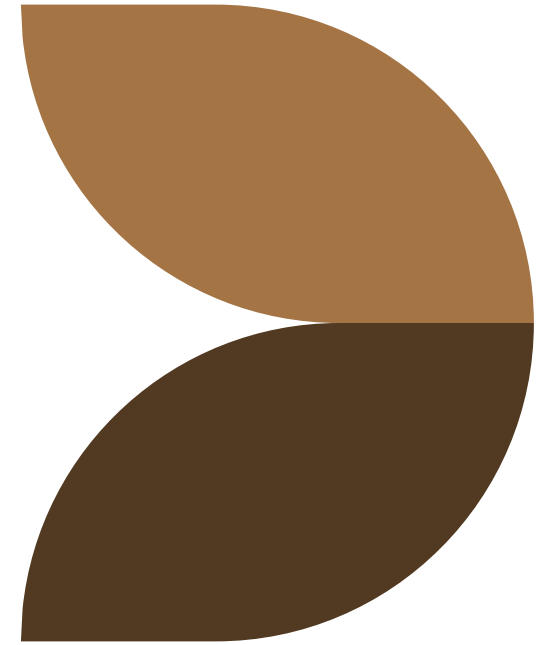
- **Misuse of Muis Halal certification mark**
AMLA, Section 88A(5)
- **Issuance of Halal certificates in SG**
AMLA, Section 88A(5)
- **Forgery of Halal certificates**
Penal Code, Section 463
- **False or misleading Halal claims**
Sale of Food Act, Section 17

BREACHES OF HCC

- **Storage of non-Halal items**
- **Lack of Muslim personnel**
- **Lack of personnel deemed competent** (*passed the HCA*)
- **Verbal abuse unto Muis officers**
- **Cross-mixing of utensils used for Halal and non-Halal food**
- **Under-declaration of ingredients, menu and/or products**
- **Invoices are not endorsed properly by the appropriate personnel**
- **R&D conducted without prior approval** and many more...

Case Studies

Halal-related breaches



Case Study I

Prosecution & Fine

Bill To :
Attn :
Delivery Address :
Fax :
Time : 6:00PM

NOTE: DINNER
STARTS AT 6PM

SALES ORDER

S/No.	Description	Quantity	UOM	Unit Price	Amount
1	Golden Harvest Buffet (半份自由餐) @\$16.00+	60	Pax	\$ 16.00	\$ 960.00
2	Thai Style Fried Rice (泰式黄梨炒饭) @\$30.00+	1	Tray	\$ 30.00	\$ 30.00
3	Square Table (四方桌) @\$5.00+	30	Pc	\$ 5.00	\$ 150.00
4	Stool (凳子) @\$0.50+	100	Pc	\$ 0.50	\$ 50.00
5	Transport Charge (运费) @\$30.00+	1	Trip	\$ -	\$ -
REMARKS:					
1)	Grilled Chicken Chop w/ Gravy			西式炸鸡扒	
2)	Fish Fillet w/ Thai Sauce			泰式煎鱼片	
3)	Indonesian Style Prawn Curry			印尼咖喱虾	
4)	Stir-fried Broccoli w/ Oyster Sauce			蚝油西兰花	
5)	Egg Beancurd w/ Crab Meat			蟹肉蛋花豆腐	
6)	Western Style Pork Meat			西式猪扒	???
7)	Steamed Prawn Dumpling			蒸虾饺	
8)	Fried Bee Hoon w/ Crabmeat			蟹肉炒米粉	
9)	Thai Style Pineapple Fried Rice			泰式黄梨炒饭	
10)	Yam Paste w/ Coconut Cream			椰汁甜芋泥	
11)	Fruits Punch			什果汁	

BACKGROUND

- Caterer A was a former Muis Halal certificate holder.
- The Muis Halal certification mark was found on their sales order which included 'Western Style Pork Meat', as one of their menu items
- This was highlighted by Caterer A's client.

TYPE OF BREACH

Administration of Muslim Law Act, Section 88A(5)(b)

Misuse of Muis Halal certification mark

**liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or both.*

CONSEQUENCE

- Caterer A was **fin**ed **\$2,000** by Muis.
- However, it failed to make payment despite reminders.
- Eventually prosecuted, **fin**ed **\$4,000** by the Court.

Case Study II

Application Rejection & Fine



BACKGROUND

- Certification audit (renewal) conducted at Caterer B.
- Found doubtful meat items from Supplier C.
- Supplier C is not Halal-certified but products displayed Muis Halal certification mark.
- Supplier C also manufactures pork products.

TYPE OF BREACH

Caterer B

Muis Halal Certification Conditions (HCC)

Non-compliance to HCC clause:

Shall only order, purchase, receive, store, prepare, cook, offer to sell and sell Halal food and ingredients that have been declared to Muis.

Supplier C

Administration of Muslim Law Act, Section 88A(5)(b)

Misuse of Muis Halal certification mark

**liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or both.*

CONSEQUENCE

- Caterer B's renewal application was rejected.
- Supplier C was fined \$1,500 (compound).

Case Study III

Suspension



BACKGROUND

- Restaurant D and its non-Halal subsidiary located opposite each other separated by back alley.
- Sharing of meat (pork, beef, chicken) mincer placed at non-Halal outlet: no mincer at Halal outlet.
- Non-Halal outlet staff admitted on the sharing of equipment.
- Muis found evidence of pork purchase by Halal outlet.
- Phantom Muslim staff – Manager was tasked to punch Phantom staff's time card.
- Receiving staff, not part of Halal team, does not know to read or write in English.

TYPE OF BREACH

Muis Halal Certification Conditions (HCC)

Non-compliance to HCC clauses:

- 1 Shall only order, purchase, receive, store, prepare, cook, offer to sell and sell Halal food and ingredients that have been declared to Muis.
- 2 Shall engage at least 2 competent permanent Muslim personnel.
- 3 Maintain the following records:
Proof of attendance for Muslim personnel

CONSEQUENCE

- **Immediate suspension** of Halal certificate (until expiry)

Case Study IV

Suspension



BACKGROUND

- Cafe E is located adjacent to its non-Halal outlets.
- During periodic inspection, Muis found
 - Opened packet of pork floss
 - Doubtful sesame seaweed chicken floss
 - Opened bottle of cooking wine
 - Non-Halal beancurd juice containing rice wine
- Found receipts issued to customers for non-Halal items.
- Glasses of consumed beer were brought into the Halal outlet.
- No Muslim staff was present and Halal file was not available.

TYPE OF BREACH

Muis Halal Certification Conditions (HCC)

Non-compliance to HCC clauses:

- 1 Shall only order, purchase, receive, store, prepare, cook, offer to sell and sell Halal food and ingredients that have been declared to Muis.
- 2 Shall engage at least 2 competent permanent Muslim personnel.
- 3 Maintain the required documents and records as stipulated in HCC

CONSEQUENCE

- **Immediate suspension** of Halal certificate (until expiry)

Practice Time!

Company X forged a Muis Halal certificate for grilled duck. Which of the following legal provision will the company be convicted under?

- a. Administration of Muslim Law Act
- b. Penal Code
- c. Sale of Food Act (Chapter 283)
- d. Muis Halal Certification Conditions

Answer: B. Company X will be convicted under Penal Code – 463 due to certificate forgery. Refer to Slide 8 above for the full provision.

Conclusion

It is important to be aware of the legal provisions that applies to Muis Halal Certification in Singapore. This is to prevent abuses to the system and ensure the assurance provided by the system is consistently maintained.

That is the end of the module series. We hope it was beneficial!

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