

Grey Areas of Halal - Alcohol

By: Fakhah Azahari

A controversial issue on grey areas of Halal is the presence of alcohol in food and beverage. Traditionally, consumers and Islamic jurists have identified alcohol as a substance that is Haram for consumption, whilst the process of fermentation is perceived as an unethical process as it produces intoxicants.

Since alcohol exists in small quantities in Halal food products, consumers are unsure of its legal values and whether it can be consumed. In this article, a general discussion of fermentation processes will provide a view that fermentation processes itself are not unethical; in fact the processes are essential in major industrial applications especially food processing and flavouring.

Alcohol is pervasive in the food industry in its indispensable role as food soluble, flavouring and preservatives. These distinctive features of alcohol as solvent agents are also extensively applied in pharmaceutical, cosmetics, drugs and antibiotics, and other industrial applications. The total value of the application of alcohol in these industries is in the billions of dollars considering that just in the soft drink sector alone, Coca Cola reported sales of USD22 billion in its 2004 annual report (*Alcohol is used as solvent in this industry*). With such a staggering amount involved in the application of alcohol in the food and other industries, it shall certainly be an uphill task for any manufacturer to try and change industrial practices from using alcohol to other substitute agents.

Alcohol occurs as a result of the processes of fermentation and in industrial applications, fermentation has proven to be an economically and commercially viable mode to produce alcohol. The type of alcohol that is commonly extracted through this process for the food industry is known as ethanol, which in its purest form would be harmful for consumption. Thus, ethanol is always mixed with other substances to render it safe for consumption. That brings us then to the main issue, is the prohibition on alcohol directed at alcohol per se or at the effects of alcohol, which is the intoxicating nature of alcohol.

Fatwas issued by international jurists and Islamic organisations have ruled that it is permissible to consume food and beverage that contain alcohol at levels that do not intoxicate. These levels are established at between 0.01% to 0.05% on the basis that at these levels, the amount is too insignificant to cause intoxication. Thus, the prohibition is directed at the effects of alcohol itself, which is its intoxicating nature. Applying the principles of analogy (*Qias*) in this matter, Islamic jurists have included all other similar substances that have the same effect as alcohol i.e., intoxicants such as drugs, cocaine, heroin, marijuana, whiskey, gin, beer to be prohibited.

The latest fatwa by Imam Yusuf Al-Qaradhawi issued in 2008 pursuant to queries on energy drinks that contain a small percentage of alcohol, states that it is permissible to consume food that contains alcohol on the condition that firstly it does not intoxicate, and secondly the alcohol content was as a result of natural fermentation.

The interesting fact that requires examination is the Imam's rationale for the distinction of alcohol produced 'as a result of natural fermentation'. It seems to imply that there may be a reverse effect in Islamic ruling if alcohol is produced in any other method other than by way of natural fermentation.

In the production of alcohol for the food industry, the process of natural fermentation is replicated on an industrial scale for its manufacture to obtain its two most important products, ethanol and lactic acid.

Ethanol, as mentioned earlier, is used in many industrial applications that extend beyond food processing while lactic acid is mostly used for food preservatives.

The process is slightly different in the fermentation processes of alcoholic beverages like wine or beer. The fermentation process of alcoholic beverages is manipulated by way of commercial distillation. Commercial distillation is a controlled process that allows one to increase the alcoholic content of beverages following the fermentation process. The quality of alcoholic content as a result of commercial distillation is much higher than alcohol produced by natural fermentation in the food industry.

As such, the distinction in the ruling by Imam Yusuf Al-Qaradhawi points to the level of intoxication that is produced by the two processes of fermentation. One is the process of natural fermentation which is applied for the food industry in its use as solvent agent, soluble, flavouring and preservatives whereby the alcohol content exists at small percentages and is assimilated with other Halal substances. The other process of fermentation by way of commercial distillation is purely for the production of intoxicating drinks that without a doubt, intoxicates.

In the food industry, so long as the industry adheres to the Shariah ruling of producing alcohol by natural fermentation which as an end result, has less than 0.05% alcohol content in its products, the products are not considered as intoxicating and thus, permissible.

In the fatwa issued by Imam Yusuf Al-Qaradhawi and discussed herein, the Imam quoted a rule derived from the sayings of the Prophet that says if drinking a lot of alcohol makes you intoxicated then drinking a little is also forbidden. Imam Yusuf Al-Qaradhawi argued that since there is no concrete evidence that any person who consumed a large amount of the high energy drink became intoxicated, the drink is permissible due to its alcohol content which is below the intoxicating parameter.

Our grievance then is not towards alcohol per se as evidenced by the fatwa, or the process of fermentation, as its application is not limited to production of alcohol but extends to industries such as treatment of sewage plants and production of fuel for the energy industry. For the Muslim community, the issue is clear. Alcohol is present in most food and beverage for its specific uses and may be tolerated if it exists below the established parameter. However, the consumption of intoxicating beverages produced by commercial distillation like beer and wine are totally prohibited and there is no room for argument for their prohibition.

What the Muslim consumer has to be wary of is the disturbing trend towards the application of alcohol as food flavouring. Although the food products may not intoxicate or contain alcohol at all, the taste and smell of alcohol is in the food products. Alcoholic flavouring is entering areas it has traditionally stayed away from, such as cereals, sweets, jellies, ice cream, tooth paste and other household products whose main consumers are children.

These flavourings may act as a stimulant to a person's senses to recognise and crave alcoholic tastes from a young age. Indirectly, alcoholic flavourings contained in these products could promote and market its actual alcoholic products. For example, chocolate with gin flavour would promote the actual gin beverage. It would require a lot of effort by consumer rights groups and government authorities to ensure these products are never certified as Halal.

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