

## **The Grey Areas of Halal : Transformation And Assimilation**

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Sometime in the year 2004, Muslims in United Kingdom were rudely shocked by claims that products such as Locozade contained traces of alcohol and Ribena uses a filter made from gelatine derived from pigs in its production process. These claims were later found to be true which galvanised the Muslim community into taking decisive steps in boycotting the products.

Initially, the producer of Ribena and Locozade, GlaxoSmithKline (GSK) were slow to response to protests by the Muslim community. As the Muslims were a minority in the UK numbering only about two million in strength, the drink producer was confident that these protests would not affect the existing sales of the products. What happened afterwards was completely the reverse.

There is no official statement by the producers on the actual drop in the sales of these products; however GSK seemed to be concerned enough about the figures to have sought a fatwa from the UK Muslim Law Council, the highest authority in the UK on halal food. It took the Council approximately five months to deliberate on the issues whereby opinions of various Scholars were sought and earlier rulings on Halal food were referred to and examined. The fatwa issued were no less controversial and divided opinions amongst the Muslim community on the validity of the fatwa.

*“I see no harm in consuming Ribena and Locozade which contain traces of ethyl alcohol and animal ingredients that do not bear their original qualities and do not change the taste, color or smell of the product”*, Zaki Badawi, the UK Muslim Law Council chair and former adviser on Islam to the Prince Of Wales, concluded. Lucozade contains 0.01% of ethyl alcohol to ensure the flavouring permeates the whole drink.

The Council accepted the opinion and rationale of the California based foundation for Islamic Knowledge which stated that that alcohol level of 0.01 to 0.05 percentage is insignificant and therefore the product can be considered Halal. The Islamic Fiqh Academy made a finding that gelatine made from haram animal is allowed if it has undergone fundamental process of transformation through chemical changes and thus, ruled that Ribena is halal. The fatwa on alcohol is further strengthened by the opinion of Imam Sheikh Yusuf Qaradhawi in 2008 on the permissibility of consuming food and beverage that contain minute amounts of alcohol subject to firstly, it does not intoxicate and secondly alcohol was as a result of natural fermentation. The necessity of the presence of alcohol is in its role as a commercially viable soluble and flavouring for the food industry. The Imam was also of the opinion that products derived from pigs are permissible if it has undergone a process of denaturation.

The fatwas for the parameter of alcohol allowed in food and beverage is based on the jurisprudential principles of *“transformation”* and *“assimilation”*. This fatwa argues that a Haram matter that mixes with a much larger volume of Halal matter to the extent that it loses the Haram attributes by way of taste, color and smell, would be transformed into a Halal matter and may be consumed. Thus, jumhur ulama (majority Scholars) has opined that the level of intoxicant allowed to exist in food and drink produce shall not be more than 0.05% on the basis that at this level the food or drink does not intoxicate. The authority on Halal food in Malaysia, ie Jabatan Agama Islam Malaysia (JAKIM) accepts this view.

Some consumers and Islamic Scholars are not convinced that these principles of transformation and assimilation are properly applied and argued that any matter remains Haram even if it is in minute quantities quoting a Hadith by the Prophet that says: *“Of that which intoxicates in a large amount, a small*

*amount is Haram*” And again, “*If a bucketful intoxicates, a sip of it is Haram*” (Reported by Abu Dawud and At-Tirmidhi).

Scholars for the principles of transformation and assimilation explained that the Hadith refers to a Haram matter such as alcohol which is still in its one hundred percent pure state of intoxicant. If the alcohol is mixed with a predominantly Halal matter to the extent that it loses its Haram attributes, it may be transformed into a Halal matter, whereby the intoxicating element has lost its intoxicating abilities. The condition for consuming produce that contain such impurities is that the impurities are at levels allowed by Shariah Scholars such as stipulated in the fatwa issued by the UK Law Council.

The applications of these principles are understandably one of necessity and an evil that could not currently be avoided. The danger however, is that its liberal application over an extended time may lull the Muslim community into accepting the situation as a permanent measure. There are several reasons why we have not progressed towards finding a better solution for our food consumption. The foremost is the commercial viability of the Haram matters as food soluble, flavourings, preservatives, stabilisers and enzymes used in the food industry. A Halal solution requires heavy investments in rendering it a commercially viable alternative to the Haram elements. The Muslim community are not without its share of Scientists but they have not prioritised investments in these areas and collaborative efforts in addressing these issues are severely lacking. Such investments in the food industry is worthwhile considering that the food flavouring industry in the US alone now has annual revenues of about \$1.4 billion; meaning that the potential for any development in Halal food flavouring and the likes are vast and immense.

The Muslim community are also largely unaware of their strength as a consumer market segment. After the controversial case of Ribena and Locozode, another major snack food manufacturer in the UK, came under fire for not informing consumers that its products contain traces of alcohol. Enraged Muslim consumers ceased to buy these products and the snack food manufacturer suffered a similar drop in sales as did GSK.

These issues came to light partly due to efforts by concerned consumers and strong food lobbyists and watchdogs such as the UK Halal Food Authority. The society has been actively lobbying for halal symbols on popular food products, labelling and packaging that would list information about ingredients of the products including items deemed as Haram by the Shariah. Through their efforts, the Muslim community became quickly aware of any issues in the food industry and for giant food manufacturers such as GSK a significant drop in sales persuaded GSK that the Muslim community are a consumer based segment that cannot be ignored. In Malaysia, a similarly strong watchdog in Halal food is the Consumer Association of Penang. United in Halal issues, the Muslim market segment have the means to dictate market and industry trends. Therefore, if they use their strength as a market segment, it is possible for this market segment to demand compliance by food manufacturers with Halal requirements and to invest in Halal alternatives for food solubles, flavorings, preservatives, stabilizers and enzymes. The Muslim community have to consciously seek a better solution instead of relying on the principle of “*Necessity makes the unlawful lawful*” (*Dharurat-Necessity*) that justifies the total application of principles of transformation and assimilation in most situations for an indefinite period.