

Halal Built-in Approach to Regulation of Halal Cosmetic Products

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Abstract

The global market for halal cosmetics is projected to expand at a CAGR of 9.6% from 2020 to 2025, resulting in a substantial demand for halal cosmetic products and developments. This projection will be stifled if the halal-related issues and cosmetic health risks affecting the cosmetic supply chain are not effectively managed. This study examines the halal built-in approach as the guiding concept for regulating halal cosmetics in Malaysia. The emphasis on farm-to-table in the halal built-in approach is aligned with the importance of securing the integrity of the halal and safe cosmetic product. To achieve the objective, this conceptual paper evaluates past literature reviews consisting of journal articles, books, and conference papers from online databases like Scopus, web of science, science direct and google scholar. The outcome of this study shall provide new insights for the manufacturers to integrate the halal requirements in the whole process of the halal cosmetics supply chain. This could ensure the sustainability of halal in cosmetic products and guarantee the consumers' right to have a safe effect.

Keywords: Halal Cosmetic Products, Halal Built-In, Cosmetic Manufacturers.

Introduction

Cosmetic products are considered Fast Moving Consumers Goods (FMCG) (Okdinawati et al., 2021) due to their daily nature of consumption (Susanti, 2020). This FMCG motivated numerous cosmetic companies worldwide to compete for market dominance in the cosmetics industry (Hashim & Musa, 2014; Kumar et al., 2006). Cosmetic companies are ambitious to present a diverse range of high quality products to compete with established products (Noorham et al., 2020). To leverage product value and competitiveness, some of them have moved towards getting halal certification (Radzi, 2021).

Getting halal certification requires the implementation of halal assurance or internal halal control requirements throughout the cosmetic supply chain (Sin et al., 2019). This will guarantee product safety (Sumpin et al., 2019) and maintain the halal status of cosmetic products (Husain, 2016). Implementing the halal requirements is not limited to securing halal certification and stops once the applicants obtain the product's halal certification. The halal

requirements must be built-in and continuously complied with into each cosmetic product's life cycle.

The halal built-in concept was first introduced in the Malaysian Standard 2424: 2010 Halal Pharmaceutical General Requirement and was raised in the discussion of halal pharmaceuticals in 2016 (Abd Razak & Ramli, 2022; Biotech, 2016). This concept was then followed in other halal standards, including Halal cosmetics. Little attention was given to the halal built-in concept in the previous studies of halal cosmetic scholarship (Abd Razak & Ramli, 2022). The built-in concept emphasizes compliance with halal requirements in the entire management and control system. Ignoring the halal requirements along the supply chain may result in health risks and gradually undermine consumer trust in halal-certified products (Tieman, 2017). This study explores the halal requirements in the cosmetic product supply chain according to the halal built-in concept to reduce the safety risk and sustain the halal status of cosmetic production. As such, it examines the halal built-in concept as the conceptual framework for regulating halal cosmetic products in Malaysia.

There are fewer studies focusing on the halal built-in concept. For example, a study conducted by Abd Razak (2022) focuses on a halal built-in approach to combat halal food crime, and AR et al (2021) analyzes the halal built-in concept in the manufacturing of halal pharmaceuticals and issues encountered in halal pharmaceutical industries. In addition, Draman et al (2019) examine the requirements of laws, regulations and the Syariah compliance process for halal certification in medical devices. These current studies discussed the halal built-in concept in the food and pharma industry with a little examination in the cosmetic industry. Also, there is coverage on halal built-in, but it remains limited to a particular halal requirement. Hence, an extensive account of the halal built-in concept in the cosmetic sector is required.

Halal Built-in Approach to Regulation of Halal Cosmetic Products

Halal built-in refers to a systematic approach to halal development that integrates halal requirements into the entire management and control systems (Standard, 2019). The systematic approach refers to something that is carried out in a systematic way based on a fixed plan through comprehensive and effective methods (Collins dictionary, n.d). It also refers to technical expertise demonstrating how cosmetic manufacturers can align halal with the rules to achieve the most significant outcomes in developing unique halal products for consumers (Halal4Pharma, 2016). According to the Malaysian Halal Management System 2020 (MHMS), the establishment of an Internal Halal Control System (IHCS) for small and micro industries and a Halal Assurance System (HAS) for medium and large industries are among the systematic approaches to ensure the halal built-in concept is integrated into cosmetic production.

The halal built-in concept involves continuous compliance with specific halal requirements for product safety, performance, efficacy, quality, and hygienic conditions in production and management (Draman et al., 2019; Standard, 2019). The halal requirements must be embedded into the overall supply chains starting from product formulation, research and development (R&D), purchasing raw materials, manufacturing process and equipment, packaging, and labeling until the end products are distributed to consumers. Figure 1 portrays the proposed conceptual framework for the halal built-in as conceptual framework to the regulation of entire cycle of cosmetic production. The following discussion examines the use

of Halal built-in concept alongside the legal and regulatory compliance of Halal cosmetic product assurance.

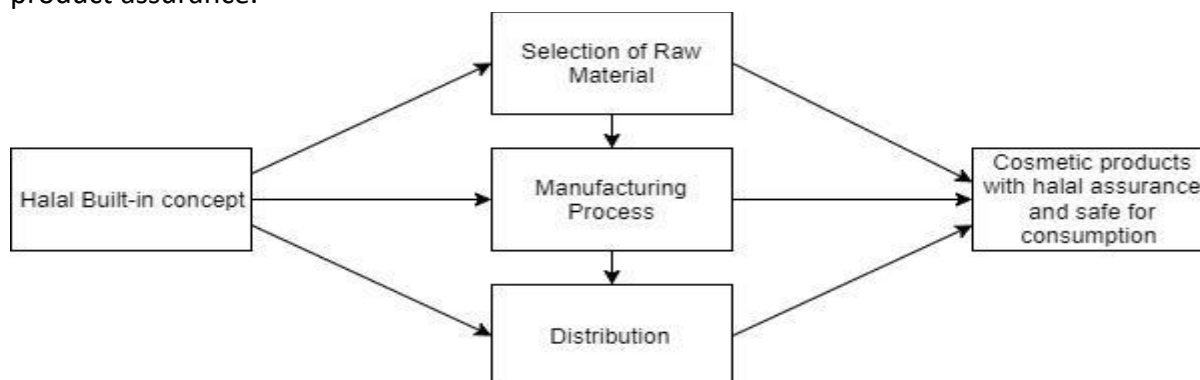


Figure 1. Halal Built Concept Regulation of Cosmetic Products

a. Selection of raw materials/ingredients

The early phase in the production of cosmetic is the formulation of raw materials through the cosmetic manufacturers' research and development. The cosmetic formulation must be aligned with the Syariah requirements and National Pharmaceutical Regulatory Agency (NPR) Ministry of Health Malaysia (MOH) requirements (Salleh & Hussin, 2013). The cosmetic manufacturers' obligation of compliance is subject to the Trade Description Act 2011 and its Orders and Malaysian Standard 2634: 2019 Halal Cosmetics-General requirements. Both legal documents serve as a parameter of permitted and prohibited raw materials for cosmetic products. With regard to the NPR's requirements, the cosmetic manufacturers shall comply with the Poisons Act 1952 and Annex II of part 1 of the Guideline for Control of Cosmetic Products in Malaysia.

Preceding to the application of halal certification, the cosmetic manufacturers are required to obtain a Notification Note from NPR. Under the Control of Drugs and Cosmetics Regulations 1984 (CDCR), the manufacturers must notify NPR via the Quest+3 system about the product's ingredients, labelling, and packaging to get the Notification Note (CDCR). The notification is one of the compliance actions required to ensure the substance used in cosmetic is legally safe, and to make the holder of the notification accountable for the information submitted to the system is accurate (Mohamadia, 2020). Notification is a compulsory requirement. Failure to notify can amount to an offence and shall be liable to a fine not exceeding fifty thousand ringgits, and for subsequent offence shall be liable on conviction to a fine not exceeding one hundred thousand ringgit (The Sale of Drugs Act, 1989). Also, the cosmetic products will be recalled and discontinued from selling on the market (CDCR).

Cosmetic manufacturers must ensure that the ingredients used in a cosmetic product is clean, pure, free from pig or human genes or its derivatives, and is not containing any microbial growth from non-halal animals (Zaki et al., 2021) and anything contradictory to the Shariah (Quah et al., 2022). The ingredients must not contain toxins and does not pose any risks to human health (Radzi, 2021). Using human-toxic and hazardous to human health substances as cosmetic ingredients are prohibited (haram) in Islam (Elasrag, 2016). Further guidelines on permissible cosmetic ingredients is provided in Regulation 3.4 of the MS 2634: 2019. The regulation describes that the source of halal cosmetic ingredients cannot contain any prohibited animal under Syariah law, shall be free from *najs* and any parts of the human

being, do not intoxicate, and is not poisonous or hazardous to human health. Not only that, all microorganisms, minerals and chemicals, soil and water that are poisonous and risky to human health are prohibited.

Considering cosmetic products would contain dozens or hundreds of ingredients, the establishment of halal built-in concept in halal cosmetic supply chain will guide the cosmetic manufacturers in the selection of permissible raw materials. The selection of raw materials depends on the formulation of cosmetic products that must be based on halal requirements, efficacy, safety, and quality. To ensure the formulation follows the halal requirements, a halal executive will review the formulation prepared by the Research and Development Unit (R&D) prior to the procurement process (Hassan, 2021). In this regard, the halal executive will ensure the halal status of raw materials and assist the cosmetic manufacturers in securing halal certification of the product.

b. Production/ Manufacturing Process

The administration and control of the manufacturing facility and the production process must conform to Annex I, Part 10: Guideline for Cosmetic Good Manufacturing Practices (GMP) of the Guidelines for Control of Cosmetic Products in Malaysia. Compliance with the GMP guideline is compulsory in pursuant to submission for the notification to the NPRA (Hassan, 2021), and it is one of the requirements for halal certification (JAKIM, 2020). Apart from Annex for GMP, the cosmetic manufacturers also must comply with the general and specific requirements of Halal certification under the Malaysian Manual Procedure for Halal Certification (Domestic) 2020 (MMPHC 2020), MHMS and MS263:2019.

Maintaining the halal status of cosmetic products would be much more manageable by establishing IHCS for small and micro industries or HAS for medium and large industries. The implementation of both halal management system will facilitate the cosmetic manufacturers to ensure continuous compliance with halal requirements as cosmetic processes are complicated and comprise multiple highly processed goods (Sugibayashi et al., 2019) with new manufacturing technologies (N. A. Z. and Hashim, 2018). IHCS encompasses halal policies, raw material control procedures, halal risk control procedures and traceability processes as minimum control measures to retain halal certification. Meanwhile, HAS consists of halal policy, an internal halal committee, internal halal audit, halal risk control, raw material control, halal training, traceability, HAS review, laboratory analysis and *sertu*. The cooperation of IHCS, HAS and the halal executive play an essential role in the integration of the halal requirements in the manufacturing processes within companies' management and throughout the supply chain of cosmetic products.

The manufacturing process also involves packaging, labelling and advertising. Packaging materials should safeguard the products from contaminated by environment and microorganisms during handling and transportation up until the package is distributed for consumption (Rosette, 2001). The packaging materials for halal cosmetic products must be halal, non-toxic, clean and hygienic and free from *najs* (MS2634:2019). Packaging is further connected to labelling where the label of a cosmetic product is written, printed or graphic information on the immediate or outer package, as well as any leaflet (Annex 1, part 7 of CCG).

Labelling of cosmetic products should contain the name of the cosmetic product, the function, instructions on the use of the cosmetic product, complete ingredient listing, country

of manufacture, the name and address of the Cosmetic Notification Holder (CNH), the contents given by weight or volume, the manufacturing batch number, the manufacturing or the expiry date of the product, special precautions to be observed in use and a valid contact number of the CNH (Annexe 1, part 7 of CCG). The cosmetic manufacturers must ensure there is no misleading or inaccurate information on all the mandatory particulars required by Annex 1, part 7 of CCG. Any display of misleading details of cosmetic products is an offence punishable under the Trade Description Act 2011 and shall be liable to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

The advertisement of halal cosmetic products also must align with Syariah law and the *fatwa*. The cosmetic product cannot contain statements that explicitly or implicitly disparage any profession, product or service. Medical tests, trials and research are not permitted to be used in marketing cosmetic items. Any cosmetic products containing claim must be substantiated. The cosmetic manufacturer must be able to provide data and documents if challenged by the legal authority (Salleh, 2022). Cosmetic advertisements should be credible, non-deceptive, simple, dignified and humane (Aziz et al., 2019). Halal advertising for cosmetic products should also adhere to the Guideline Malaysian Code of Advertising Practice and Content Code administered by the Malaysian Communications and Multimedia Content Forum.

c. Distribution

Cosmetic manufacturers must comply with the Good Distribution Practice 2018 (GDP) published by NPRA with respect to the management of product distribution. Companies may also adopt alternative practices for distribution purposes provided that it can be proved or demonstrated that an equivalent result or superior to the requirements of the GDP can be achieved. Note that not all the principles listed in the GDP apply to all businesses or environments.

The distribution of halal cosmetic products must be segregated from the non-halal products. This cosmetic manufacturers should avoid any potential risk of contamination to *najs*. In this regard, the Department of Standard Malaysia (DSM) has introduced series of standard where the halal built-in concept is integrated into Halal management system. The standards are the MS 2400-1:2019 Halal supply chain management system-Part 1: Transportation-General requirements, MS 2400-2: 2019 Halal supply chain management system-Part 2: Warehousing-General requirements and MS 2400-3: 2019 Halal supply chain management system-Part 3: Retailing- General requirements.

Discussion and Conclusion

The market for halal cosmetic products is potentially lucrative (Dalir et al., 2020). This is reflected in the rising demand for the products (Gudowska, 2017; Azam & Abdullah, 2020; Alias, 2019). This demand is fueled by the increase in Muslim population (Camillo et al., 2014; Abdul et al., 2019), purchasing power among halal consumers (Laluddin et al., 2019) and consumers' awareness of the need to use halal products (Rachmawati et al., 2022; Saleh et al., 2019). These factors lead to a variety of cosmetic products introduced in the market contain a new and diverse range of ingredients, types and functions (Hashim, 2009; Salvioni et al., 2021) to fulfill the needs of consumers (Ali et al., 2019).

The ingredients with different types of claims and functions used in the halal certified cosmetic products are subjected to legal and halal requirements. However, in some situations, the production problem is compounded by the lack of sustainable supply of critical ingredients from the local suppliers. In this regard, the cosmetic manufacturers have little choice but to import the ingredients from foreign market (Sarpaneswaran et al., 2021). The impending challenge however remain since there are limited range of halal-certified suppliers outside Malaysia (Rafianti, 2020).

The ingredients of cosmetic products come from various sources. There is an increasing interest among the manufacturers in the use of natural ingredients as opposed to chemical-based ingredients (Antignac et al., 2011). Natural-based cosmetic products may contain mineral ingredients from plants or animals. However, the ingredient is not necessarily safe and halal (Srinivasan & Antignac, 2011). Hence, cosmetic manufacturers need exercise caution when using natural-based ingredients. Some of them might contain harmful substances. For example, the cyanogenic component found in grass pea and cassava roots may induce acute and chronic intoxication in humans (Srinivasan & Antignac, 2011).

To reduce the risk of non-halal and harmful substance in cosmetic products, halal built-in concept must be integrated into the selection of raw materials, manufacturing process and distribution process. The implementation of the GMP procedure during manufacturing and processing stage has demonstrated compliance with halal criteria. The GMP assures a product's safety and quality, the halal built-in concept will ensure the product's halal and wholesome status altogether. The idea of halal built-in covers the whole process of halal cosmetic production. While cosmetic products are initially deemed safe through the notification process, the implementation of halal built-in in cosmetic supply chain will double-check the product's safety and confirm the halal status of a cosmetic product.

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