

FOOD SERVICE MANAGEMENT AND CERTIFICATION SCHEME: ENSURING CONSUMER PROTECTION

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Abstract

This article focuses on the protection of consumer rights through the proper management of food services and a stringent certification scheme. The article concentrates on the issue of food trade which requires food hygiene and food safety standards before any form of trade is allowed on a global market. The article highlights the international as well as Malaysian laws which regulates this important aspect of food trade. Therefore, in writing the article, emphasis is given on the analysis of existing laws, guidelines and code of practice that deals with the protection of consumers when making choices for their food consumption. Thus, the article is divided into five parts which looks into an explanation of the roles and responsibilities of the Malaysian Farm Certification Scheme for Good Agricultural Practices (SALM), the Malaysian Organic Scheme Certification (SOM, the Livestock Farm Accreditation Scheme (SALT), Malaysia's Aquaculture Farm Certification Scheme (SPLAM) and MyGAP (Malaysian Good Agricultural Practices). From here, the article concludes that in ensuring the rights of the consumers are well cared for, there is a need to ensure adequate protection begins at the primary level till it reaches the consumers.

Keywords: Food services management, Halal certification scheme, consumer protection

Introduction

Globalization of the world food trade requires food hygiene and food safety standards as the determining factor to ensure market access. Sustainability standards are not only confine to food safety, food hygiene but also environmental and social-welfare standards. As an assurance to consumers and buyers certification is used as a tool not only to notify that the products comply to best agricultural, aquaculture, good manufacturing practices, organic best practices, but also to certify that produce from such best practiced farm is safe for consumption and is of very high quality.

Food quality and safety are important aspects of the right to food. Food safety implies the absence or safe levels of contaminants or any other substance that may otherwise make food injurious to health. The primary responsibility for ensuring the right to adequate and quality food and the fundamental right to consumption of food fit for human consumption is a prime concern of every government in the world. Nonetheless, the right to safe and quality food does not mean that the state has a duty to distribute to all its citizens. To protect the health of consumers and ensure fair practices in the food trade, the FAO and the World Health Organization established the Codex Alimentarius Commission in 1962 (FAO/WHO).

In Malaysia, the Food Act 1983 (ACT 281) and the Food Regulations 1985 was enacted with the objective of protecting the public against health hazards and fraud in the preparation, sale and use of food, and for matters incidental thereto or connected therewith. The Food Quality Control Division (FQCD) of the Ministry of Health is given the task to ensure food produce are in compliance with the standard set under Act 281

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and the Food Regulations 1985. Section 13 (1) of Act 281 provides that any person who prepares or sells any food that has in or upon it any substance which is poisonous, harmful or otherwise injurious to health commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding ten years or to both (Food Act 1983, Ministry of Health Malaysia).

This is further strengthened by Section 13A (1) whereby it is provided that any person who prepares or sells any food that consists wholly or in part of (a) any diseased, filthy, decomposed or putrid animal or vegetable substance; (b) any portion of an animal unfit for food; or (c) the product of an animal which has died otherwise than by slaughter or as game, whether manufactured or not, commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding eight years or to both (Food Act 1983, Ministry of Health Malaysia).

Section 13A (2) further says that any person who prepares or sells any food that contains or upon which there is any matter foreign to the nature of such food, or is otherwise unfit for human consumption, whether manufactured or not, commits an offence and shall be liable, on conviction, to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding five years or to both. In addition, sub-section (3) emphasises that a person who prepares or sells any food whether manufactured or not, that is enclosed in a sealed package and the package is damaged and can no longer ensure protection to its contents from contamination or deterioration, commits an offence and shall be liable, on conviction, to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding five years or to both. (Food Act 1983).

The implementation of the Food Act 1983 and Food Regulations 1985 is further strengthened by Food Hygiene Regulations 2009, Food Analyst 2011, Food Irradiation Regulation papers 2011, Food Analyst Regulations 2013, Pesticide Act 1974, Fisheries Act 1983, Veterinary Surgeon Act 1974 and Animal Act 2006.

Along the food chain safety strategies several certification schemes are introduced, observed, and implemented in order to minimize food contamination and to reduce food borne illness. Malaysia has embarked on several certification schemes which comprises of Quality Assurance Programme (QAP), best aquaculture practices, HACCP (Hazard Analysis Critical Control Point), food safety from farm to table, sustainable practices and environmentally friendly practices. This article elaborates on the food safety programmes introduced and implemented at the primary level of food production by the Ministry of Agro Based Industry Malaysia. The Certification Scheme is implemented not just to ensure product safety and quality but as a pre-requisite towards the Malaysian *Halal* Certification Scheme.

1. **Malaysia Farm Certification Scheme for Good Agricultural Practices (SALM) (*Skim Amalan Ladang Baik Malaysia*)**



This is a certification scheme designed by the Department of Agriculture in order to recognise farms that adopt Good Agricultural Practice (GAP), which is implemented in an environmentally friendly way that ensures workers' welfare and safety. Generally, Good Agriculture Practice (GAP) is an integrated farming system aimed at managing all resources of crops production in a safe and sustainable way. The system is expected to increase farm productivity with the production of safe and quality food that takes into account workers' welfare, safety and health and protection of the environment. The main objective of this programme is to ensure produce that are of quality, safe and fit for human consumption. The scheme is developed based on Malaysian Standard MS 1784:2005 Crop Commodities – Good Agriculture Practices (GAP).

The certification scheme has certain benefits which among others include production of quality and safe crop produce, due to pesticide residues which are at the permitted level, reduction of pollution to the environment, emphasis on the importance of integrated pest management, reduction of pesticide usage, guarantee of workers' safety and welfare, increase of crop yield, crop produce are more competitive at domestic and international markets, and develop the national agricultural industry in an environmentally and sustainable way

Besides the above mentioned benefits the Good Agricultural Practice has certain restrictions such as the use of genetically modified (GM) planting materials is not allowed unless expressed permission has been given by the relevant authorities and should comply with existing regulations in the country of the final consumers, the planting of genetically modified organism (GMOs) shall be agreed between crop producers and customers before planting, if there is use of protected varieties the farm shall respect intellectual property right legislation on plant variety protection, uses of untreated and treated human sewage sludge and pig waste are prohibited, and all farm activities and produce shall in all other aspects comply with the requirements of the legislations currently in force in Malaysia. (Ministry of Agriculture Malaysia, www.moa.gov.my)

2. Malaysian Organic Scheme Certification (SOM)



Today, a healthy lifestyle and eating healthy food such as eating organically produced food is becoming a trend for many people. Generally, foods claiming to be organic must be free of artificial food additives, free from any harmful industrial chemicals such as pesticides and fertilizers. Although it is more expensive but its long term benefit of promoting healthy body encourages people to change their food choice. The European Union, the United States, Canada, Mexico, Japan, and many other countries require producers to obtain special certification in order to market food as organic within their borders. In the Malaysian perspective, use of "Organic Logo" means the food is produced and processed according to the Malaysian Organic Certification Scheme (SOM). The word "organic" refers to the way farmers grow and process agricultural produce such as fruits, vegetables, grains, dairy products and meat.

The Department of Agriculture Malaysia (DOA) has established an organic certification program that requires all organic producers to comply with the strict government standards. These standards regulate how such foods are grown, handled and processed. The standard of Organic Agriculture for Skim Organik Malaysia (SOM) is based on the Malaysian Standard MS 1529:2001 – The production, processing, labelling and marketing of plant based organically produced foods. In addition to this, the SOM Standard also encompasses rules or criteria which are derived from specific legal provisions of national laws to control hazards that impact the environment, food safety and workers' health and safety. The Organic Malaysia Mark Scheme includes training support, audit visits of participating operators as well as market surveillance for non-authorized use and misuse.

3. Livestock Farm Accreditation Scheme (SALT)



Livestock Farm Practices Scheme (SALT) aims for healthy livestock which is well-managed for quality and safety for consumption. The criteria for recognition in SALT is based on 'Good Animal Husbandry Practice' (GAHP), Animal Health Management, Bio-security, good infrastructure and the control of veterinary medicines. SALT is carried out as an initiative to establish a high standard of livestock farm sanitary practice that can increase the safety of food produced from livestock. SALT operation covers all types of livestock including beef cattle, dairy cattle, broiler chickens, layer chickens, chicken deer breed, goats, sheep, and other livestock. The VHM (Veterinary Health Mark) Certificate which symbolises quality of the products is awarded to the livestock product processing plant under the Veterinary Inspection and Accreditation Program Department of Veterinary Services (DVS), Ministry of Agriculture Malaysia. The VHM Certification confirms that the processing plants have fulfilled the Standard Requirement for Hygiene and Sanitation, Quality Assurance and Food Safety set by DVS. In addition, it also confirms that the plants are adopting and implementing Food Safety and Quality System as well as Good Manufacturing Practice (GMP). (www.dvs.gov.my)

Besides, it is a requirement that the management is responsible to ensure other best practices are implemented which among others include training for the workers, scheduled training programme, effective waste disposal management at the farm level, scheduled pest control, bio-security control, effective control of logistic at the farm, effective record management, diseases control programme such as vaccination for the livestock and to provide appropriate facilities for works such as uniform and foot wear. The management is also responsible to ensure all workers are vaccinated, fit to work at the farm and have attended Good Animal Husbandry Practice training programme such as technique on animal farming and animal management. (www.dvs.gov.my)

4. Malaysia's Aquaculture Farm Certification Scheme (SPLAM)



Malaysian Aquaculture Farm Certification Scheme (SPLAM) is a voluntary Scheme which aims to promote Good Aquaculture Practices (GAqP) and greater accountability at the farm level. The scheme is administered by the Fisheries Department of Malaysia (DOF) and the Ministry of Agriculture which emphasises on the implementation of Hazard Analysis Critical Control Point (HACCP) at the farm level (HACCP). Aquaculture farm operators are required to meet certain criteria, followed by the application process, investigation, audit and approval before they may be considered to be awarded the certification. With this recognition, it provides the rights for the farm operators to use the SPLAM logo for their livestock marketing within the validity period of the certificate.

The scheme is based on Malaysian Standard (MS) 1998:2007 Good Aquaculture Practice (GaQP) – Aquaculture Farm – General Guidelines. This Malaysian Standard prescribes general guidelines for aquaculture farm producers to promote Good Aquaculture Practice (GAqP) for sustainable fish production that is environmentally sound, socially acceptable and economically viable to ensure quality produce that is safe and suitable for utilisation and/or human consumption.

This scheme covers the provision of Quality Assurance Programme (QAP), the work of auditing and award certificates to qualified farms. The implementation of this scheme involves among others the freshwater fish farming in pond, freshwater fish farming in tank, freshwater fish farming in cages, freshwater fish farming in enclosure, freshwater shrimp farming in pond, salt water prawn farming in pond, salt water fish farming in pond, etc.

5. MyGAP (Malaysian Good Agricultural Practices)



MyGAP (Malaysian Good Agricultural Practices) was launched by the Minister of Agriculture and Agro-based Industry on 28 August 2013. It is a rebranding exercise of Malaysian Farm Certification Scheme for Good Agricultural Practices (SALM), Livestock Farm Practices Scheme (SALT), and Malaysian Aquaculture Farm Certification Scheme (SPLAM). It is a comprehensive certification scheme for agricultural, aquaculture and livestock sector. It is implemented based on Malaysian Standard (MS). MS 1784:2005 Crop Commodities – Good Agricultural Practice is used for agricultural sector module and MS 1998:2007 Good Aquaculture Practice (GaqP) – Aquaculture Farm – General Guidelines and MS 2467:2012 – Code of Practice for Seaweed Cultivation used for aquaculture sector module, and MS 2027:2006 Good Animal Husbandry Practice is for the livestock sector.

Among others the objectives of MyGAP is to produce quality and safe to eat agricultural produce, to reduce environment pollution, to facilitate the export of the products and acceptance of products at international market; to facilitate the implementation of Good Agricultural Practices Certification Scheme (GAP), to ensure the safety and welfare of the workers, to increases consumers' awareness and demand for quality and safe to eat produce with MyGAP logo on it, and to increases the Malaysian agricultural produce competitiveness at international level.

Conclusion

The Malaysian government is committed in ensuring the production of safe and quality food to the nation. It is the aspiration of the competent authority to ensure that agriculture activities, complies to not only the best and sustainable practices, but also to the legislations in place. The availability of various certification scheme suggested that the Government is providing enough mechanism in order to ensure the produces are in compliance to the necessary standard of safety and quality. Compliance to the standard and Guidelines will enable the product to use the dedicated logo issued by the relevant agencies.

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