

## ASSESSING SNACK FOOD MANUFACTURERS' CONFORMITY TO THE LAW ON FOOD LABELLING

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**Abstract:** *Food labelling is one of the methods used by food manufacturers to communicate to consumers concerning their product. Nevertheless, food manufacturers cannot simply label their products based on their convenience. This is because the Food Act 1983 provides that those who fail to comply with any prescribed food standard commit an offence. The Ministry of Health through delegated power given by Section 34 of the Food Act 1983 has introduced the Food Regulation 1985 to prescribe the labelling particulars. Despite these two laws, there are cases where food manufacturers fail to follow food labelling regulations. Besides, the wording and the label used are confusing the consumers. Thus, this research was conducted to assess the food manufacturers' conformity with the law of food labelling. The subject matter of this study is a snack food that is categorised into sweet, chocolate, chips, crackers, biscuit and nuts. A convenience sampling method was used where the snack foods were purchased from groceries shop in Melaka and all data collected were analysed in SPSS. This study on food labelling is significant toward the consumers' safety and at the same time would benefit the food manufacturers in marketing their products.*

**Keywords:** *Food Labelling, Snack Foods, Food Manufacturers, Conformity to Law.*

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## Introduction

The market demand for food leads to proliferating of food product innovations by food producers and manufacturers. Other than food packaging, food labels facilitate the food producers or manufacturers to market, advertise and promote their brand of products (A.Roche, 2015) and the food producers may use the food label to make their food productions different from the other marketed food products. Food labelling can also be regarded as one of the marketing strategies to influence the consumer to purchase food product.

As for the consumers, they can use food labelling to make a purchasing decision and preferred quality products (Bissinger & Leufkens, 2017). The consumer would be benefited from the information attached to the food packaging regarding the ingredients, the country of origin, the nutrition list, the date and other information and this would strengthen the information transparency and enhance the food traceability.

Food labelling is referred to any attached tag or design of a graphic that elaborates product brand, product grade and product origin of the food on the food package (Kotler, P., & Keller, K. L,2006). According to section 2 of the Food Act 1983 food label is “any tag, mark, pictorial or other descriptive matter, written, printed, marked, painted attached to any food”. Part IV of the Food Regulations 1985 states that food labelling includes language, particulars of labelling, manner of labelling, size and colour of letters, date of making, nutrition claims and matter forbidden on any label.

There are two types of food labelling; front-of-food package and back-of-food package and it also comprises of mandatory and voluntary labels. Mandatory labelling is referring to the important information that can protect the consumer’s health against food fraud whereas voluntary labelling is the information used by food producers to attract consumers to purchase their food products (Food and Agriculture Organization of the United Nation, 2016).

Development in food innovations increased the consumer's demand for food transparencies (Swartz, 2019). Transparency and accuracy in food labelling are very crucial for the protection of consumer’s health and in food labels (Nitzko, 2019). As food labelling can be a guide for the consumers to exercise their right of choice on which food they want to buy (A.Roche, 2015). Therefore, consumers should receive sufficient and accurate information about the products to enable them to guard their food safety (Vidar, 2009) as there is increasing health problems among consumers like obesity, hypertension and diabetes yearly (Kok & Mohamed Radzi, 2017).

The food producers should adhere to the laws, rules, regulations and guidelines as stipulated by the government to ensure that their food produced is safe to consume. Despite the existing laws, rules and guidelines, there are still some food producers who are unwilling to follow those stipulated rules and regulations. There are still non-compliances of the labelling law and regulations. This can be referred to as the case in 2011, the Ministry of Health Malaysia (MOH) has recalled thirteen (13) of 1 Malaysia Products which were said to have failed to comply with the labelling requirements as prescribed by Food Regulation 1985 (FR) (Malaysiakini.com). Besides that, in 2019, MOH had seized 12,729 food products and among the cases were relating to failure to follow food labellings such as incomplete information on food ingredients

(<https://kpkesehatan.com/>) and most of the cases involved small scales of food producers. This showed that there is a setback in the existing rule and regulations as regards food labelling.

Moreover, a claim on nutrition like “less sugar”, “low fat”, “free from sugar”, “less salt” or “contain nutrients” might confuse the consumers as to what exactly the amount of “less” and “free”. Other than that, some food label used the numbering scheme or certain code to inform the food ingredients. Also, the font used which is too small discourages the consumers to read the food label (Vijaykumar, Lwin, Chao, & Au, 2013). All these have confused the consumers as they have no time or feel burdensome to check the accuracy or authenticity of the numbers or codes.

Furthermore, many past studies conducted about food labelling are international studies and there is a lack of local study conducted about food labelling particularly concerning the application of the laws and regulations of food labelling among food manufacturers. Therefore, the lack of any local researches into these subject matters and to close the gap in the previous literature has inspired this study.

This study assessed the food manufacturers’ conformity to the law of food labelling and was limited to snack food as the subject matter of the research. According to Tumuluru (2015), snack food is regarded as a small portion of food that is not consumed during regular meal times and it consists of many forms including fresh ingredients, packaged and processed food. Examples of snacks include potato chips, tortilla chips, extruded products, pretzels, nuts, seeds and popcorn (Tumuluru, 2015), multigrain chips, meat snacks, party mix and granola products (Riaz, 2016). Snacks can also be considered as convenient food items which are ready-to-eat and people normally eat a snack as a part of satisfying hunger (Pavan Kumar, Akhilesh K. Verma, Devendra Kumar, Pramila Umaraw, Nitin Mehta and O.P. Malav, 2019).

This existing study is important to ensure that food manufacturers have provided accurate information regarding food nutrition and food claim. Food manufacturers should play an important role to comply with all the rules, regulations and guidelines stipulated by the government to avoid confusions among the consumers. They cannot only focus on their business profits but at the same time appear to be neglecting the safety of the consumers. The labelling that is conveyed on the food packaging can be seen to be an indicator as to whether the consumers are being well informed of their choices in purchasing food.

### **The Law on Food Labelling**

Ensuring the consumers’ health when consuming the food product should be the main duty of all food producers. Therefore, in 1958, the government of Austria introduced the European Codex Alimentarius Commission to provide protection for consumer’s health and ensure fair trade practices within the ambit of the World Health Organization (WHO) and Food and Agriculture Organization of the United Nations (FAO)(Food and Agriculture Organization of the United Nation, 2016). Since then, there are about 189 states who joined as Codex members where Malaysia is one of its members.

With the influence of the international food legislation, the government of Malaysia has enacted the Food Act 1983 and it has come into force on 1<sup>st</sup> October 1985 to protect the consumers against food hazard and fraud in the preparation of food, selling of food and the use of food.

Section 15 of the Food Act 1983 regards those who fail to comply with the prescribed standard shall be regarded as committing an offence where the penalty of the offence is a fine of not more than RM5,000 or imprisonment for not more than 3 years or both. Based on section 34, the Ministry of Health (MOH) introduced the Food Regulations` 1985. This Food Regulation consists of ten (10) parts where food labelling is within Part IV of the Regulation. MOH has also introduced several guidelines concerning nutrition labelling and claims such as the Guidelines on Labelling of Foods, the Food Ingredients Obtained Through Modern Biotechnology and the Key Message 14 of the Malaysian Dietary Guideline 2010.

### **Literature Review**

Food label plays a significant role in ensuring the safety of health and dietary. The consumers are encouraged to read the food label before they decide to purchase the food products. Nevertheless, not all consumers are keen to use the food label. Jefrydin, Nor, & Talib (2019) argued that personal factors like knowledge, awareness, misperception and trust in nutrition labels influenced the consumers to use nutrition labelling. Meanwhile, Donga & Patel (2018) argued that demographic factors such as age, gender, education, marital status, income, knowledge of nutrition label, health consciousness and special dietary status are the factors that lead the consumers to read the nutrition label. These two studies showed that the consumers' knowledge, awareness and understanding of food labels will encourage the consumers to read the food label. This is because the food label consists of food safety information, food ingredients, food nutrients and the expiry date of the food (Madilo, Owusu-Kwarteng, Parry-Hanson Kunadu, & Tano-Debrah, 2020).

Nevertheless, Kavanaugh and Quinlan (2020) argued that the consumers' knowledge and understanding of food date labels were connected to food waste behaviour. The authors found that many consumers understand the food labels and the highest level of knowledge about the "expiration date" related to the reason why consumers throw away food. This study provided new finding because positive knowledge of food label not only benefits the consumers but also leads to a negative effect awareness of food wasting.

Many studies supported the positive effect of the food label. Ponnudurai, Ghazi, Hasan, Abdal Qader, & Baobaid, (2019) argued that reading food label can help consumers to ensure that the food they want to purchase is healthy to prevent non-communicable disease (Ponnudurai, Ghazi, Hasan, Abdal Qader, & Baobaid, 2019). Also, reading nutrition label can facilitate the consumers in making a healthy food choice (Zuraidah Zainol, Rusliza Yahaya, Juliana Osman, Nor Asiah Omar, Mohamad Rohieszan Ramdan and Nurul Fadly Habidin, 2018)). Nevertheless, the food label attached to food packaged must be easy to understand to avoid confusion among consumers. Kerr, McCann and Livingstone (2015) argued that nutrition labelling should coincide with salient and consistent serving size information.

The food label is not only benefiting the consumers but also the food producers or manufacturers because food labelling could attract purchasing behaviour. A study conducted by Abdul Latiff, Rezai, Mohamed, & Amizi Ayob (2016) assessed the effect of food labelling on consumer's intention to purchase the food products and argued that the buying behaviour of Malaysian consumers would highly be influenced by food labelling, the consumers' attitude and confidence.

Food manufacturers cannot simply label their food products. They should follow the laws, rules and requirements of food labels as stipulated by the Food Act 1983, Food Regulations 1985, Codex Alimentarius Commission and the other relevant regulations. As such, there are studies conducted as regards the compliance of food label legislation and the accuracy of food labelling. Bursey, Wiles and Biggs (2019) examined the compliance of the South African food labelling legislation among snack food ready to eat (RTE) manufacturers and they found that they were compliant with the stipulated legislation especially concerning food nutrition labels. Kasapila and Shaarani (2013) analysed the nutrition labelling practices on pre-packaged foodstuffs. They found that most of the pre-packaged foodstuffs sold in Malawi Market complied with Codex requirements for food labelling. Jumpertz et al.(2013) has analysed the accuracy of energy and macronutrient content of snack food products in the U.S. and found that there is an inaccuracy in carbohydrate content and serving size from the labels. Meanwhile, Kok and Mohamed Radzi (2017) assessed the credible information of nutrition labels and investigated the compliance of the tolerance limit according to the Food Act 1983 and they found that about 34 per cent (34%) of analysed products did not comply with the tolerance limit according to the Food Act 1983.

### Research Methodology

This study used a convenience sampling to evaluate the conformity among snack food manufacturers to the law of labelling. Snack foods were separated into five categorised (1) chips (n:10), (2) crackers (n:10), (3) nuts (n:14), (4) sweet & chocolate (n:10), (5) biscuits (n:10) (Bursey et al., 2019; Kok & Mohamed Radzi, 2017; Jumpertz et al., 2013). All the snacks were purchased from various grocery stores in Melaka within Mac 2021 at different times. This study assessed the conformity of snack food manufacturers to the law of labelling based on Part IV of the Food Regulation 1985. The variables are as follow:

**Table 1: Adapted from the Food Regulation 1985**

<b>Food Regulation 1985</b>	<b>Food Label</b>	<b>Particulars assessed</b>
Regulation 10	The Language used	Bahasa Malaysia or English
Regulation 11(1) 11(1)(a)(b)(e)	Particulars in labelling Food ingredients	Name of food either one main ingredient or mixed ingredient Two or more ingredients should be put in descending order of proportion by weight
Regulation 11(1) (f) (g) (i) (j)		Declaring the presence of edible, oil and additive. A statement of the minimum net weight or number of the content of the package name and address of the food manufacturers, packer, importer
Regulation 13	Size and colour	Not smaller than 2 point font The colour of the lettering should contrast with its background.
Regulation 14	Date marking	Expiry date or “use by” term
Firth schedule	Nutrition	Carbohydrate, protein, fat, energy and the percentage

Data collected in the survey were entered and analysed in SPSS where descriptive statistics were generated and used to explain the finding.

### **Result**

In total, this study surveyed 55 products from 5 categories of snacks from various groceries namely chips (10), crackers (10), nuts (15), sweet and chocolates (10) and biscuits (10). The results of the frequency displayed the conformity among snack food manufacturers toward the Food Regulation.

#### **Language**

The result showed that the products that used Bahasa Melayu on the labels are (n=44) 80.0% whereas the products that used English are (n=52) 94.5%. This showed that the snack food manufacturers significantly complied with the FR.

#### **Particulars of Labelling Name of Products**

Only (n=49) 89.1% of snack food products have the product name at the front cover of the food package and they are named based on the principal ingredients of the foods as specified in Regulation 11(1)(a). Unfortunately, only (n=2) 3.6% of product manufacturers designed the food ingredients in descending order of proportion by weight that is required by Regulation 11(1)(e). Nevertheless, most snack food product labels complied with Regulation 11(1)(f) that is (n=46) 83.65%; Regulation 11(1)(g) is (n=54) 98.2% and Regulation 11(1)(i) is (n=54) 98.25%. In addition, about (n=47) 85.5% of the labels contain the name and the address of the food manufacturers or packers and thus they conform to Regulation 11(1)(j).

#### **Size and Colour of Letters**

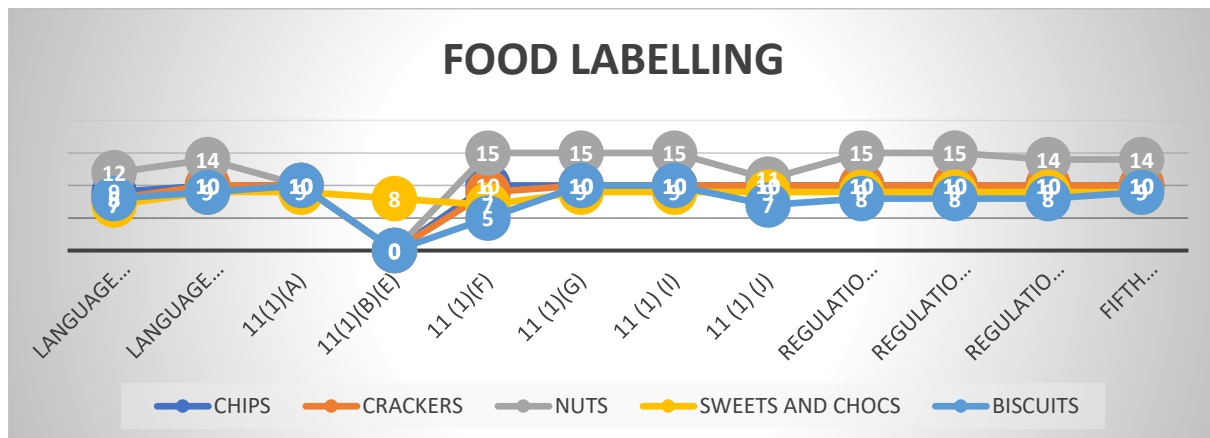
Most snack food products complied with Regulation 13 as regards to the size and colour of letters on the food package whereas as for the size, the compliance is (n=52) 94.5% and for the font colour is (n=52) 94.5%.

#### **Date marking**

The majority of the snack food products contained a date marking either label with “expiry date” or “use by”. This showed that (n=52, 94.55) of product complied with Regulation 14.

#### **Nutrition labelling**

Each snack food product should contain food nutrition information of energy, fat, protein and carbohydrate per serving. The Result showed that most of the snack foods complied with the Fifth Schedule of Regulation 15 that is (n=52, 94.55).



**Figure 1: Summarization of the Conformity of Snack Food Manufacturers to the Law of Food Labelling.**

### Discussion

Regulation 10 of the FR 1985 concerns the language to be used on the food package. According to this Regulation, if the food produced, prepared or packaged in Malaysia, the language to be used is Bahasa Melayu whereas if the food is imported, the language to be used is either Bahasa Melayu or English, and in either case may include translation thereof. The result significantly showed there was compliance on part of the food manufacturers. Nevertheless, some foods that are locally manufactured ignored Bahasa Malaysia but only used the English language on the food package. This would jeopardize the right and interest of many consumers to know and to make food choices. Furthermore, languages used in the labelling is a crucial aspect to be regarded by all consumers. Many probable unwanted episodes in one's life could have been averted if the labellings were properly expressed in the a language that could be easily understood by everyone.

As regards the particulars of labelling, there are about 11 sub-regulations to Regulation 11(1)(a)-(k). This study only concerned with Regulation 11(1)(a)(b)(e)(f)(g)(i)(j) and ignored the rest of the sub-regulations. This is because the other sub-regulations would depend on the truthful declaration on the part of the food producers or manufacturers. If there is no declaration such as a declaration as to the existence of alcohol, pork or a claim of any vitamins, this means that the food producers or manufacturers have complied with such relevant regulations.

Regulation 11(1)(a) concerns the name of the food product that should be named based on the principal ingredients of the product. By referring to the food ingredients commonly labelled on the back of the food package, most of the snack food products named their products based on the principal ingredients. However, some products have not been named according to the principal ingredients particularly pre-packed food or products which are manufactured by small industries.

Furthermore, Regulation 11(1)(e) stipulates that if the food consists of two or more ingredients, the label of the ingredient should be in descending order with the declaration of proportions by weight of such ingredients. Despite of the fact that all snack food products contain food ingredients information, they are however not in descending order and no declaration as to the weight of each of the ingredient. This is a significant non-compliance on the part of food

producers or manufacturers as regards to this regulation. There should be an extra effort on the part of the government and relevant agencies to bring awareness and knowledge to food producers about this requirement in the regulation.

Also, Regulation 11(1)(j) provides that each food product should be labelled with the name and the business address of the food manufacturer or packer, or the name and business address of the importer residing in Malaysia and the name of the country of origin of the food. Most snack food products are labelled with the name and address of the food manufacturer or packer. Nevertheless, some ignored this regulation by just indicating the name of the manufacturer or packer without stating the business address.

### **Conclusion and recommendation**

Following the objectives of this writing, it is found that there are several non-conformity to the law in the labelling of food products on the food packaging where snack foods are concerned. Although some non-compliances are small in percentages, they could cause severe implications on the rights of consumers to be informed before choosing which food to buy. Consuming food that is trusted of its origin is also another requisite for consumers who place eminent importance on its purity and safety. Without knowing this information, the labels on the food packages may become pointless

Hence, awareness and enforcement on correct labelling are in dire need in Malaysia. This is apparent since Malaysia is a multi-racial country with several religions embraced by its people. Food consumption is a mandatory observation in some religions like Islam and Hindu. Manufacturers must be taught and guided through improved policies and legislation. Currently, food management courses which are inclusive of food labelling courses are carried out by private institutions such as the Thames Oxford Academy, the Origin Intellect Food Training and Consultation, the Bersih Berseri Enterprise and others. Information gathered from websites of these institutions reflect that there is lacking in supervisions by the Ministry of Health as to how much stress is made for the labelling courses since most modules focus on the preparation of the food by the manufacturers.

The Ministry of Health Malaysia has also food labelling advisory services under its Food Quality and Advisory Division. The Labeling Advisory Services aims to inform the industry of detailed faults on food labels. But this service is not mandatory. Hence, it is suggested that this advisory service is made compulsory for all food industry players to participate to prohibit unnecessary defects in the labelling information that could tarnish the safety of the food products. Such a mandatory requirement could be a pre-requisite before any permit or licence is granted to the industry.

Food information and confession must adhere to the international food standards especially to those imported by Malaysia. It is proposed that both the local and imported products must have a reasonable percentage of both Bahasa Melayu and English on the packaging. Thus, dual language is recommended to fulfil the people's needs in understanding what the food product they are buying is all about. Simple straightforward languages must be employed to avoid doubt and uncertainty among the readers of the labels.



The Ministry of Domestic Trade And Consumer Affairs through local agencies may impose severe punishment to deter the non-conformity of law among the manufacturers. This can effortlessly be carried out through additions of new provisions in our current legislation and regulations. The Food Act 1983 could be amended to include the above-said proposal. Nevertheless, if time is of the essence, it is suggested that all agencies under the Ministry of Health be conferred the power to pass subsidiary legislations to such an effect.

Lastly, it is comprehensible that knowledge dissemination for the labelling issues must be destined for all classes of citizens in Malaysia, especially the younger generations. Students at schools and higher learning institutions must be exposed to such information at a young age so that they will be able to benefit from the awareness and make it their way of life. With the help of the internet and today's gadgets, it is almost guaranteed that such a knowledge of getting concerned about food labelling will certainly reach the youngsters wherever they are located. Therefore, it is submitted that the Ministry of Education should frame the curriculum of schools and higher learning to include awareness of food labelling. If it cannot be conveyed through lectures in classes, it can be delivered in extra-curricular activities such as academic speeches or conferences.

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