THE COMPELLING TREND OF HALAL COSMETIC INDUSTRY IN MALAYSIA

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Abstract

Since the first glimmer of the halal cosmetic subject into the spectrum of Malaysian policy, the industry trend is geared towards consumer trends. What is interesting at this juncture, the cosmetic category in a way halal is seen to be beyond the religious boundary and above all, it entails safety assurance for certain products in the market. This paper resists the temptation to create a false contest between the industry and the authority, but it intends to precipitate a discussion on halal cosmetic. The second part of the paper will help understand the current system for cosmetic safety in Malaysia due to its very significant requirements prior to halal application. It must be noted that such a stringent requirement is covered under toyyiban aspect, an integral part of halal certification.

Keywords: Cosmetic Safety System, Halal Cosmetic, Malaysia, Self-Regulatory Scheme

1. Introduction

The halal cosmetic products in Malaysia are strongly gaining traction amongst the industry players and consumers amid the profusion of other commercial products in the market today. The increased level of education and awareness about halal products is vastly reshaping the demand and supply in the local cosmetic market (Saqib Ali et al., 2016).

The debate about whether or not cosmetic products should be included in the discussion of the halal realm is not new and yet the research on the subject is scant. The vast majority of research papers are concentrating on food base products, primarily because the halal food segment contributes one of the largest sums of GDP growth for a producer country. According to Grand Research View, the world Halal Food and beverages are still the largest contributor in terms of the market size valued at USD 436.8 billion in 2016, where cosmetic and personal care products fall-short only at an expected growth of USD 39 billion in 2018. Despite the ongoing growth in terms of the market size, the halal cosmetic products are seen to be the key driver in accommodating the demand of the ever-increasing Muslim population and modern lifestyle. It is a rather accelerating growth in which the number of
Muslim populations is forecasted to be 4.2 billion by 2030 representing 27% of the global population (Halal Development Corporation, 2014).

This ambivalence is in fact reverberated by Aspiyati Jusoh et al. (2014) in their seminal paper. For them, the subscription to the Malaysian Standards is an act of voluntary unless it is made mandatory by regulatory authorities by means of regulations. It is true some local markets enforce the *halal* certificate to the industry players, but more often than not it only affects the food industry.

Now, how do we go about to reconcile the current issue at hand? At one end, there is a strong demand for *halal* products amongst the consumers be it Muslim and Non-Muslims alike and on the other end, it is not mandatory for industry players to apply the *halal* certificate. Surely at the time of writing there is no substantial way to resolve the problem unless of course the policy makers make some necessary inclusion or amendment to the existing regulation. However, before that could happen, hence, it is of the interest of this paper to unravel the dilemma and at least offer a direction for the cosmetic industry bearing the compelling trend and demand of *halal* cosmetic in Malaysia.

2. *Halal* as the New Norm: Market and Trend in Malaysia

Over the past three decades, Malaysia has become a world leader in the global expansion of *halal* markets. Today, *halal* is no longer purely about religious adherence. More often than not, *halal* touches all market segments with special commercial values attached to it. *Halal* is now seen as the business and trade platforms charting a new trend for the global market demand. Apparently, the concept of *Halal* is now becoming a global symbol for quality assurance and lifestyle choice (Kambiz Heidarzadeh Hanzaee & Mohammad Reza Ramezani, 2011). According to the Halal Development Corporation (HDC) report in 2014, the *halal* industry has been extended to a more dynamic and modern landscape encompassing tourism, hospitality, logistics, cosmetics and pharmaceuticals, finance and investment and healthcare. Although *halal* has permeated all the major industries, the *halal* food and beverages are still the largest contributor in terms of the market size valued at USD 436.8 billion in 2016 (Grand View Research). In the same vein, the F&B and primary meat accounted for 62% of the total *halal* market for the fast-moving consumer goods (FMCG) sector (HDC, 2014).

**Figure 1**

*Source Opportunities in Halal Economy*
The standing of Malaysia as the leader in the halal food benchmarking should come to no surprise. The United Nations has cited Malaysia as the best example of Halal Food Benchmarking in accordance with the Codex Alimentarius Commission (Abdul Manaf Bohari, Cheng Wei Hin & Nurwahida Fuad, 2013). Although halal food is of great importance to the Malaysian food industry, there is an astounding latest research done by Krishnan et al. (2017) in regard to the young generation awareness especially the Gen Z towards the halal trend. What they have discovered is rather contradicting to many researches on halal in the Malaysian scene. Although the number of samples in their research is questionable, this is in no way denying the fact that the trend of halal could lead to a different direction offsetting the prevalent belief. In their finding, Gen Z appears to be indifferent and disinterested with the presence of the halal logo at local restaurant premises. They seem to be unconcerned with the ingredients as long as they could see other Muslims in the restaurant. What matters most to them is when they could go to any fancy restaurant or café while taking pictures for the sake of posting them on social media.

Acknowledging the great potential in developing and promoting halal products in the global market while leveraging on the existing well-developed infrastructure of Malaysia’s halal industry, the Government has identified the halal industry as the main driver to propel growth for Malaysia as stipulated in the Third Industrial Master Plan (IMP3), 2006–2020 (Abdul Manaf Bohari et al., 2013). With the aim to become the world halal hub, the government has tasked Standards Malaysia to develop the standard for halal. Off late, Malaysia has 13 halal and halal-related standards.

Unsurprisingly the cosmetic and beauty products are being controlled by international companies in Malaysia. Brands like Procter and Gamble, Unilever, L’Oreal and Colgate-Palmolive continue to dominate the market share in the year 2016 and onwards. Kaur et al. (2018) reported that the demand for cosmetic and beauty products from the United States shows a growing demand from Malaysia. Table 1 summarises three years of U.S. exports to these markets, which have grown across the region by an average annual rate of 6% over the last five years, even during the global downturn of 2011–2012 (Trade Policy Information System [TPIS], 2016).

<table>
<thead>
<tr>
<th>Countries</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>5 Year CAGR</th>
<th>3 Year Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Kong</td>
<td>$528,831,000</td>
<td>$525,959,000</td>
<td>$516,669,000</td>
<td>NA</td>
<td>-2%</td>
</tr>
<tr>
<td>Japan</td>
<td>$568,489,269</td>
<td>$519,891,675</td>
<td>$491,176,604</td>
<td>-1%</td>
<td>-14%</td>
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<tr>
<td>South Korea</td>
<td>$424,921,167</td>
<td>$489,771,533</td>
<td>$487,148,249</td>
<td>4%</td>
<td>15%</td>
</tr>
<tr>
<td>China</td>
<td>$324,183,216</td>
<td>$336,578,269</td>
<td>$332,696,007</td>
<td>15%</td>
<td>21%</td>
</tr>
<tr>
<td>Singapore</td>
<td>$313,969,980</td>
<td>$324,815,120</td>
<td>$340,533,935</td>
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<td>8%</td>
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<tr>
<td>Thailand</td>
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<td>$80,417,978</td>
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<tr>
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<td>$78,917,998</td>
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<td>25%</td>
</tr>
<tr>
<td>Philippines</td>
<td>$52,876,097</td>
<td>$60,813,319</td>
<td>$56,935,354</td>
<td>8%</td>
<td>8%</td>
</tr>
<tr>
<td>Vietnam</td>
<td>$40,108,841</td>
<td>$52,840,162</td>
<td>$53,481,224</td>
<td>11%</td>
<td>33%</td>
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<tr>
<td>India</td>
<td>$49,084,035</td>
<td>$55,636,277</td>
<td>$53,771,347</td>
<td>0%</td>
<td>10%</td>
</tr>
<tr>
<td>Australia</td>
<td>$19,414,099</td>
<td>$29,362,407</td>
<td>$31,398,239</td>
<td>9%</td>
<td>62%</td>
</tr>
<tr>
<td>Total</td>
<td>$2,051,018,94</td>
<td>$2,157,192,39</td>
<td>$2,197,349,243</td>
<td>6%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source: TPIS, 2016
3. Halal cosmetics: History and current highlights

In the past, Muslim women in Malaysia were not so concerned about the Halal cosmetic and beauty products and there was no effort to promote them. Halal ingredients and adulterants were so rampant in the market until the late 1980s (Puziah Hashim & Dzulkifly Mat Hashim, 2013). According to Kaur et al. (2018), the nascent of the halal industry at least began 30 years ago with brands like Unza’s Safi which was introduced in 1985 and Zaitun group which was the pioneer manufacturer and market leader of halal Cosmetics that captured a huge market share. However, the growth was so slow but making progress to penetrate the market share against other international products.

In recent years, the growth of halal cosmetic products could be attributed to the facility of the Original Equipment Manufacturer (OEM). The cheaper price to produce cosmetic products spurred the development of the halal seeking item amongst the industry players while at the same time there was a strong push to use and consume halal products amongst the consumers. With the inception of JAKIM and Halal Development Corporation to spearhead halal in Malaysia, the awareness of halal has increased significantly not only amongst the industry players but to the consumers at large.

The new phenomenon of halal importance has opened the floodgate for established international companies like Colgate, Procter and Gamble and Unilever to rigorously embrace halal as the key component in their business models, paving the way for other international markets to follow suit. These international players have shaped the demand and behaviour patterns for consumers and today the lens of the market are eager to compete in this growing segment.

Today zooming closely to the commercial cosmetic items, halal products are shaping new interest in the Malaysian economic frontier, standing as one of the significant contributors of GDP amounting to RM 467 million, a 4% increase in 2014 compared to the year before (Yeo et al., 2016). According to Mohamed Azmi Hassali et al. (2014) the promotion and advertisement play crucial roles in enticing consumers to purchase cosmetic, health and beauty products. The power of these marketing tools affects not only women but to date, men as well. In their research, they argue that halal cosmetic products may fall short if there are no aggressive advertisement and promotions made to influence the buying trend.

In another research, Yeo et al. (2016) tend to agree with Mohamed Azmi Hassali et al. (2014). For them, the cosmetic industries in Malaysia should embrace halal as the key factor of generating more viable business opportunities provided that they employ good marketing strategies and foster buying pattern amongst the consumers skewed towards halal. One interesting thing about their research is there is consumer-satisfaction finding which indicates a number of repeat buying of halal cosmetic products.

The new norm of the halal market has led local industry players to chart their ways to gain the market share. The names like Wipro Unza (Malaysia) Sdn Bhd, Southern Lion Sdn Bhd and SimplySiti Sdn Bhd are rigorously producing and ascertaining that their products are in the frontline of the halal industry in Malaysia by getting the halal certificate from JAKIM.

In the 4.0 industry revolution, the halal industry is taking a new form and shape, lifting the bar of the traditional way of doing business. Today halal is making its presence in many halal platforms such as Dagang Halal, Zilzar and Aladdin Street with the aim of
making trading and transaction of halal products at ease and simple to the consumers via various modes of applications and social media engagements.

4. Notification System as the Main Requirement for Halal Cosmetic Certification

The cosmetic safety system in Malaysia is carried out through the procedure of product notification which is an integral part of toyyiban component of halal. Since toyyiban signifies safety and quality, this notification procedure forms as a mechanism to control the safety of cosmetic products available to the consumers (Elistina Abu Bakar et al., 2017). Although the system of self-regulation is imposed, the responsibility of the producer or manufacturer of products is the utmost importance. This is a cardinal principle since they manufacture the products in the first place. All of the above are known as pre-market control, in other words products are controlled prior to them being placed on the market. The responsibility of the producer does not stop after the product is released into the market, but continues beyond. Another main activity under the self-regulatory system is the enforcement activities by the relevant regulatory authorities so that a strict adherence to halal and safety system could be safeguarded. They also have a duty to monitor the products when they are on the market. This is called post-marketing obligations.

a. Product notification that replaces the old system of product registration

Prior to the introduction of the new cosmetics regulation system, cosmetic products were controlled through prior approval; i.e. the producer first had to register their product by providing details and other paperwork to be approved prior to it going into production. In conformity with the harmonisation of cosmetic regulations in the ASEAN countries which ultimately led to the introduction of ASEAN Cosmetic Directive (ACD), the registration system was changed to a new system which started on 1st January 2008. It was inspired by the success of harmonisation of cosmetic regulation in the European Union’s (EU) regulatory framework (De Groot et al., 2010). The change has been transposed into Malaysia’s cosmetic guidelines, namely the Guidelines for Control of Cosmetic Products. Producers now only need to notify their compliance with the National Pharmaceutical Regulatory Agency (NPRA). This is done by submitting to the NPRA such notification of compliance. The producer must inform the Director of Pharmaceutical Services (DPS) through the NPRA before marketing, manufacturing or importing a cosmetic product. However, what is important is that the manufacturer/company must be a lawfully registered company established under the Companies Commission of Malaysia.

Product notification is made by the cosmetics firm/manufacturer by applying online to the regulatory authority. This rationale of the notification process is to allow the NPRA to gather adequate information on the cosmetic products that are placed on the local market. A letter of authorisation from the product owner is required if the company or person notifying does not own the product. The company must be registered with Suruhanjaya Syarikat Malaysia—SSM (Malaysian Registrar of Business—ROB). The notification system emphasises the enhanced self-regulation of the industry. This means the company is fully in charge of the safety and quality of cosmetic products placed on the market. The company is responsible for following all necessary procedures fully to adhere to all the provisions in the guidelines. Although the guidelines aim at streamlining an effective cosmetic regulatory system without compromising consumer safety by standardising the proviso in the ACD, these guidelines are mandatory to be followed by cosmetics manufacturers. The notification
of a cosmetic product shall be valid for 2 years and the renewal should be done no later than 1 month prior to notification expiry.

b. Safety Assessment of Cosmetic Products

The most cardinal rule of producing cosmetic products is that the cosmetics produced must be safe. In reality, cosmetics have seldom caused damage to health and consequently are not associated with much danger. Having said this, cosmetics are not always safe. The potential for long-term damage is a possibility especially given that cosmetics are frequently used over a long period of time. It is extremely important therefore, to control the ingredients to avoid this. As adopted from the ASEAN Cosmetic Directive, the responsibility of the safety of cosmetics is the key component in producing cosmetic products in Malaysia. In order to achieve the safety assessment, the cosmetic company must carry out a safety assessment procedure for each product (Nohynek et al., 2010). Compliance with the guidelines can provide a presumption of conformity. The Guideline for Safety Assessment of Cosmetic Products (Annex 1 Part 6) requires “an assessment of the safety of human health of the finished products, its ingredients, its chemical structure and its level of exposure.” The safety assessment is mandatory and must be conducted by a qualified professional defined as the ‘safety assessor’ who must possess “a qualification in a relevant field, for example, a diploma in the field of pharmacy, toxicology, dermatology, medicine or a similar discipline and be suitably trained in safety.”

According to the Guidelines, cosmetics cannot be placed on the market if a safety assessor considers that it is not safe under the “normal or reasonably foreseeable conditions of use”. The safety assessor will have made recommendations which need to be adhered to. This forms part of the safety statement which if requested should be presented to safety inspectors together with the certificates of the safety assessor. Choosing a safety assessor is an important issue for the producer, not just from a legal point of view. It might also be important for other reasons, for example, company image and product liability. Clearly, risk cannot be completely eradicated, residual risk will always remain but reasonable efforts should have been made in line with current practices. There is no set approach to the safety assessment. The process differs from product to product according to the ingredients used as well as product formulation and data/information available. It must be noted that the most essential key for the safety evaluation process is to base it on the toxicological properties of its substances.

c. Cosmetic labelling

In general, under any safety regime, manufacturers have a responsibility to ensure the safety of the products they develop and sell to consumers and to make sure that relevant information reaches the consumer together with the products. Labelling is also part of cosmetic safety framework in Malaysia (De Groot, 1990). Here, the company or person responsible for placing the cosmetic product in the market must ensure their cosmetic products conform with the labelling requirement; defined in Annex 1, part 7 for Cosmetic Labelling Requirements in the ACD as, “information written or printed or graphic matter on the immediate or outer packaging and any form of leaflets”. By labelling, consumers are able to obtain information which can assist them to make an informed decision regarding their purchase. For example, if a consumer has any allergy with any substances, reading the label helps him avoid the
adverse effect of the allergy. In Malaysia, in accordance with the ASEAN Cosmetic Directive, Malaysian Guidelines for Control of Cosmetic specifies the procedures of cosmetic labelling, including explaining ‘name of the cosmetic products,’ immediate and outer packaging as well as the language that must be used; in English and/or Bahasa Malaysia.

d. Product Information Files (PIF)

It should be noted that the cosmetic company or person placing the product on the market is responsible for providing all data, certificates or any relevant safety information which are called as Product Information File (PIF) requested by the NPRA (Pauwels & Rogiers, 2004). This requirement is specifically spelt out in Annex 2, Part 12. The main objective of this guideline is to provide companies placing a cosmetic product in the market recommendations on how to organize and compile the PIF based on a recommended PIF format. This document also provides guidance on who is responsible to keep the PIF and some guiding points for PIF audits. In this requirement, the PIF does not have to take the form of an extensive collection of paper records stored in a specific location or ‘a dossier.’ It is mentioned by the guidelines that the physical location of the safety data and product information which could possibly be in electronic format can be kept anywhere, as long as the information is readily accessible upon request. In short, a PIF is required for all notified products. The person or companies placing a product on the market must keep the product information file ‘readily accessible to the regulatory authority at the address specified on the label.’ It is stated that the product information required includes the “safety evaluation for human health of the finished product, its ingredients, their chemical structure and level of exposure.”

Furthermore, the company is also required to keep the existing data on undesirable effects on human health resulting from use of the cosmetic product and also the supporting data for the claimed benefits of the cosmetic products should be made available, to justify the nature of its effect. Article 8 of the ACD states that the company or person responsible for placing the cosmetic product in the market shall keep the PIF readily accessible to the regulatory authority at the address specified on the label, which, according to the labelling requirements is ‘the name and address of the company or person placing the product on the local market.’ The definition of such has been given in the ‘Guidance Document on Product Notification to the Regulatory Authority’ as ‘the local company responsible for placing the cosmetic product in the market, which may be a local manufacturer or an agent appointed by a manufacturer to market the product or the company that is responsible for bringing in the product for sale in the country, etc.’

This statement clearly refers to both a company holding an address in the local market, and to the importing company; whether they be an importer, a manufacturer or a distributor. A further recommendation is that a PIF is held for no less than three years after the product last came on the market. PIF is also subject to audits. For this, the PIF must be kept at the address specified on the label, so that the NPRA can audit the PIF at that address. There are 2 possibilities, first; routine audits: whereby the NPRA will announce these audits in advance. It is recommended by the guidelines that the audit be announced sufficiently in advance for example at least one month for the company to prepare for the audit. Another audit is ‘ad-hoc audits.’ These may be triggered by results found on samples from the market, by consumer complaints, etc. It is recommended that the audit be announced at least 48 hours in advance. However, in a case of extreme urgency, the auditing can take place without announcement at all.
e. **Cosmetic claims**

The evaluation of product claims cannot be separated from the consideration of whether a product is a cosmetic or not. Whether a product can be considered to be a cosmetic product depends on several factors, and claims are an important element of this process. Annex I, part 8 under the guidelines specifies that there are five decision processes to identify cosmetic products and allowable claims. The identification starts from composition of cosmetics which must follow the approved list of substances, the target site of application of cosmetics whereby only products intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity.

The next step is identifying the intended main function of cosmetics. It should be noted that the product should be applied only to the permitted parts of the human body with a view exclusively or mainly to clean them, perfume them, change their appearance and/or correct body odours and/or protect them or keep them in good condition. Other than the mentioned functions, the product might not fall under cosmetic definition as mentioned earlier. The fourth one is that the product should not be presented as treating or preventing disease in human beings because having such presentations could depict the product as medicinal product which is clearly not governed under cosmetic definition. The last process is to look at the physiological effects of cosmetics. Cosmetic products typically have effects that are not permanent, and have to be used regularly to maintain their effects.

f. **Post-marketing control**

Safety assurance does not end even after a product is placed on the market. Once a product is released to consumers, the producer/manufacturer needs to engage in active monitoring of the product to ensure its continued safety. The rationale of giving this responsibility is for the identification of potential safety issues related to their products. Post-market activities are also one of the main elements under Malaysia’s self-regulatory cosmetic scheme (Pisacane, 2009). These activities are conducted by the NPRA, with the objective of ensuring the notified cosmetics in the market are in compliance with the requirements and to remove unsafe products from the market. In this regard, the NPRA monitors compliance of cosmetic products through the Post Market Surveillance (PMS) programme. The PMS activities for cosmetics consist of screening of product formulation and information to ensure that cosmetics do not contain any prohibited or harmful substances and all restricted ingredients are used within the allowable limits and conditions of use. Screening criteria also include the product name and its claimed benefits sample collection and testing, monitoring of label compliance, an audit of premises for compliance to the cosmetic GMP, handling of product complaints, monitoring of advertisements, monitoring of adverse reactions, audit on the PIF, and risk communication. There is also a system of information sharing through ASEAN Post Marketing Alert System (PMAS) if there is an involvement of any product recall or product withdrawal.

As of 17th July 2018, there are 237 companies that conform to the GMP requirements system as above. Apart from the activities above, if there is any complaint against any cosmetic product, they will handle the complaints by investigating them and take proper actions after the investigation is carried out.
5. Conclusion

Halal certification reassures Muslim consumers that the products they use are from halal ingredients, pure and hygienically manufactured. Currently, the halal beauty market is on the rise. There is a noticeable increase in the levels of consumer consciousness with regard to the use of ingredients in skincare and cosmetics products. Halal cosmetic is no longer a new norm because of the acceptance of consumers towards its consumption. More and bigger market players are now likely to invest in halal cosmetic and getting halal certification is one of their major aims. Before getting into that, however, they need to observe a stringent regulatory control from the regulatory authority to ensure safety, quality and halal for their products.

6. Acknowledgement

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