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**UNIVERSAL CONSUMER RIGHT:
WITHIN THE CONTEXT OF
“RIGHT OF ACCESS TO INFORMATION”
HALAL CERTIFICATE
IMPORTANCE-PROBLEMS-SOLUTIONS**

Consumers Union’s experience sharing

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PREFACE

In the global economic order, protection of the “consumer” is getting of more importance by the day; in order to protect the health, safety and economic benefit of consumers, more important, to provide peace of consumers against the powerful actors of the economic order, new protection mechanisms have to be set up.

Beyond that, it is another necessity to meet the increasing expectations of consumers and positioning of the goods and service providers accordingly in this hot competitive atmosphere.

Upon these basic notes; within the context of the “**right of access to information**” which is one of the universal consumer rights and one step ahead among others along with the globalized economy, consumer expectations about **Halal Certificate**, problems and solution suggestions emerging in meeting those expectations will be tried to answer in light of the experiences gained from the actions in that area by **Consumers Union**.



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UNIVERSAL CONSUMER RIGHT: “RIGHT OF ACCESS TO INFORMATION”

In 1985, by the **Universal Declaration of Consumer Rights** prepared by the **United Nations** and signed by the world family of nations, it is accepted that consumers have basic and universal rights, and these are determined as;

-**Right of meeting the basic needs** (Sheltering, heating, lighting, finding drinking and potable water, communication and intercommunication are the most basic needs. Every consumer can demand meeting of those needs.)

-**Health and Security Right.** (All goods and services offered for sale have to be harmless to the human life and health.)

-**Education Right** (Education of the consumers in the educational institutions in order to protect his/her rights and benefits and to get consumer awareness)

-**Right of Compensation of Damages** (Compensation of damages to the consumers caused by goods and services bought; transporting those goods and service to the consumers again.)

-**Right of Living in a Healthy Environment** (Protecting environment by using national and natural sources properly in order to get a healthy environment; leaving a clean and healthy environment to the tomorrow.)

-**Right of Protecting Economic Benefits** (Offering goods and services at the cheapest price by giving the chance of comparing, giving all kind of after-sale support and service to the consumers.)

-**Right of being Represented, Organization and Voice** (Joining forces of consumers to carry out the universal and basic consumer rights, to protect their rights, to redress grievances; to be considered by the governments when setting economic and social policies; to be represented in public institutions.)

One of the reference points of this work and taking place among the counted rights above, another universal and basic consumer rights is the **Right of Access to Information.**

This right- which can be defined roughly as **access of consumers to proper information when buying goods or services in order to decide correctly and protection of consumers from harmful and misleading advertisements, labels and**



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packages- has been getting of more importance compared to other consumer rights because of developing production technology, innovations in advertisement, sales and marketing methods.

As a matter of fact, there are many arrangements in international and national law texts about securing this right. Restrictive criteria about advertisements, sales brochures of goods and services offered, compulsory components on the labels and packages and similar arrangements are made with concerns about this right.

Content of the Information Right

It is certain that there is big change about setting the content of Information Right by years. In the beginning, while reaching of consumers to information in order to make the right decision in buying action can be accepted as adequate, afterwards, problem of what “the right decision” is in buying action must be considered.

Must the intention by “the right decision” be consistent with the moral values of the consumers besides being healthy, harmless, good, proper, economical and high quality?

Must the intention by “the right decision” be consistent with the moral values of the consumers besides being healthy, harmless, good, proper, economical and high quality?

Certainly, for a human who is identified as consumer to maintain a life style convenient with his/her moral values and beliefs, it must be provided that he/she can buy goods and services produced according to the same values and beliefs.

After that basic confirmation the awaiting problem is; how it can be provided that the consumers differentiate the goods and services whether they are produced up to their values and beliefs or not and get information about that.

General solution of this problem must be pursued in the universal and basic consumer right -“right of access to information”- which was touched on above. In the market environment where the information right of the consumers is ensured totally, access of the consumers to the goods and services which are “healthy, harmless, good, proper, cheap, high quality and consistent with the moral values” can be provided.



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TWO NEGATIVE CASES -Alcohol in Soda Waters

In **Temperance Drinks Communiqué** issued related to the **Turkish Food Codex Regulation**, the regulation of the fact that “in temperance drinks there may be 5.0 g/l ethyl alcohol at most” has drawn the attention of Consumers Union and a screening research has been started on the carbonated soft drinks in **Turkey**.

In the scope of the research, firstly the labels of the carbonated soft drinks in the market has been investigated and it was determined that on the contents of the carbonated soft drinks there is no information about the existence of alcohol, even on the label of a trademark with a high market share there is an information about “including no alcohol and its solutions”.

After that confirmation, 10 different carbonated drink trademarks sold in **Turkey** nationwide were analyzed in the **TUBITAK Marmara Research Center** which is a public institution and owner of the most qualified laboratories; as the result of the analysis with “IFFJ modified rebelin method, 1983”, it is determined that those 10 carbonated drinks include alcohol in varying amounts.

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Hereupon, after the interviews made with the experts in food engineering, chemical engineering and medicine; in order to solve essences used in carbonated drinks to gain taste and odor and needing intermediate solvent which can be mixed with water and oil, it is learned that ethyl alcohol is used as solvent; this alcohol does not transform chemically during the production; and alcohol is used as it less costly so that other choices like propylene glycol are not preferred.

This study clearly shows that consumer’s basic and universal information right was violated in a million-dollar market- carbonated soft drinks sector.

After the study of **Consumers Union**, especially Muslims- who consume soda waters densely and informed that “*there is no alcohol in it*”- have changed their preferences about the carbonated drinks; as a result,, sales of carbonated drinks decreased up to 50 %; more important, in the Muslim consumer society with the thought of “being fooled, abused and pushed to sin” there has been a mass trauma.



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A Multi Unknown: Gelatin

Gelatin is an additive which is obtained from animal skin and bones and it is known as a protein. Gelatin is used in “food, cosmetics, pharmacy, photographing, fertilizer, covering, microencapsulating, washing, nutrition, cleaning” areas because of its functions like “foaming, emulgator, crystallization regulator, stabilizer, gel structure, binding, film making, creaming agent, clarifying agent, colloidal protector, thickener and adhesion agent”.

From which animal is the gelatin used in this food

The origin issue of gelatin which is used in such a wide area is an unknown for the Muslim consumer. The reality that gelatin is obtained from skin and bones of animals like sheep, cattle, fish and pig states those problems for the Muslim consumer:

Is this gelatin produced from pig?

-From which animal is the gelatin consumed, for example in a food, obtained?

-Is this gelatin produced from pig?

-Even if the gelatin is produced from the animals except pig, are those animals slaughtered according to the Islamic methods?

Even if the gelatin is produced from the animals except pig, are those animals slaughtered according to the Islamic methods?

Answers of those questions cannot be found by Muslim consumers. Related to the gelatin used in the areas counted above and bought by the consumers frequently, the information right of the consumer is being violated intensely about what the origin of the gelatin is and if it is produced from an animal except pig, whether that animal is slaughtered according to the Islamic methods.

HALAL CERTIFICATE

Upon our all explanations and two negative cases pointed out, it is important for the “Muslim Consumer” to access the goods and services produced according to the orders and prohibitions of the religion they are belonged to.

Because of the size of the market, almost uncountable amount of goods and services offered, not informing about the goods and services most of the times or inadequate informing, being impossible for an ordinary consumer to know all steps



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of the production of goods and services; marking, documentation, certification and similar detections- which will assist to the Muslim consumer in making right preference- must be realized.

In fact, because of the size of the Muslim consumer society and increasing competition in the market, goods and service producers and providers approach to that certification process; and as a result of the growing expectations of Muslim consumers in this issue, they must prove and declare that goods and services produced according to the needs of Islam in order to sell to the Muslim consumers.

Also for the Muslim consumer, the goods and services of the firms which can prove and certificate that their production is consistent with the needs of Islam are preferable.

For that reason, Muslim consumers, and producers and sellers who want to be preferred by Muslim consumers started working about “**Halal Certificate**” in order to meet the expectations in certification and differentiation issues. Although there are serious methodology and system troubles about those activities, they came to a particular maturity level.

However in the last days, it is determined that some people and institutions try to start certification activities using the wrong methods in our opinion so as to get a share from the growing market although they have no Islamic sensitivity; and this situation leads to a critical process from the “confidence” point of view.

Problems and Solution Suggestions in Halal Certificate Application

At the present day, in many countries leading by **Malaysia** and **Pakistan**, there are institutions which conduct “**Halal Certificate**” activities and documenting the consistency of the production of goods and services with Islam religion. Even in **Uruguay** which has a very small Muslim population there are institutions operating on that issue.

It is a reality that there are some different tendencies and acceptations about “halal-haram” issue.

However, can it be asserted that those activities made in many different countries of the world are correct and proper?

Or can it be accepted that all of those activities use common standards and methods?

Moreover, is it possible that a good or service which is certified as Halal by one of **Halal Certificate** institutions can be considered as not halal by another institution active in the same or another country?



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Unfortunately, it does not seem possible to give positive answers to those questions and similar ones. Because of the commercial market of **Halal Certification** and size of the present and dense demand, commercial concerns get more importance than they deserve.

Can it be asserted that those activities made in many different countries of the world are correct and proper?

As in the case of airway company- which serve meat in their planes with a “**Halal Certificate**” obtained from a country which has almost no Muslim population and those meats were noticed as harmful to human health, it is a reality that there are tendencies like “buying” the “**Halal Certificate**” or obtaining it from another institution if it is not possible with this one. This situation will lead to the lack of confidence among the Muslim consumers and it is inevitable that Halal Certificate job will lost its seriousness.

Also in Islam, it is a reality that there are some different tendencies and acceptations about “halal-haram” issue in the treatments of different sects, orders and communities. It is a critical question that a good or service will be considered as halal or not according to the acceptations of which sect, order or community.

If we summarize all those ascertainments briefly, it is possible to order the present and possible problems in the “**Halal Certificate**” issue like that:

- An institution providing “**Halal Certificate**” must deserve to fulfill this activity; accreditation.
- The “**Halal Certificate**” must be given to the deserved company objectively and conformable with the general acceptance and accreditation.
- All of the world “**Halal Certificate**” institutions must be organized under a higher level organization and must be controlled.
- Different acceptations of existent sects, orders and communities in Islam must be considered.



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Who Should Give the Halal Certificate?

We think that **Halal Certificate** activities should be conducted under the structure of a foundation or a similar non-governmental organization which is a non-profit organization and operating with the idea of circulating capital, **preferably a consumer rights related organization**; and the activity should be equidistant to all sects, orders and communities. Otherwise, the drawbacks and the problems listed above will arise surely.

It is a clear contradiction for an institution of a state- which is secular on its constitution and having excessive sensitivity about laicism issue- to make this study, moreover just for only a specific sect of Islam; determination of the products as halal or not according to a religion is not job of a state, it is job of the institutions which are established by the members of that religion.

On the other hand, an interesting development peculiar to our country should be emphasized as well. In October 2005, it was declared to the public that **Halal Certificate** studies had been started by **Turkish Standards Institution** which is a public institution connected with the Prime Ministry. After that explanation, **Consumers Union** reacted that it is a clear contradiction for an institution of a state- which is secular on its constitution and having excessive sensitivity about laicism issue- to make this study, moreover just for only a specific sect of Islam; determination of the products as halal or not according to a religion is not job of a state, it is job of the institutions which are established by the members of that religion. In summary, handling of **Halal Certificate** issue by the states as examples can be observed in some countries is unfavorable, and the institutions which will offer this service should have an independent and civilian character.

HOW TO GIVE?

Even Islamic lawyers from the same sect may disagree on some issues like alcohol in soda water or food gelatin.

In the world, also even almost in all of the countries, there are the members of different sects, orders and communities. Also, even Islamic lawyers from the same sect may disagree on some issues like alcohol in soda water or food gelatin. In this situation, it gets impossible to achieve agreement in Islamic judgements. There is even no agreement in any country on the issues of slaughtering chickens in name of Allah, methods of slaughtering and contents of the feeds. In this situation, any **Halal Certificate** given will not be accepted for even members of one sect.



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In this case, we believe that a new formulation about the **Halal Certificate** applications all over the world is needed so that all of the Muslims and other people who want to buy foods according to the Islamic consumption system can adopt it.

The most critical meeting about this new method- which will be approved by the members of all sects, communities, orders and opinions- will be held on this weekend.

After the researches made by **Consumers Union** in order to solve this problem, a new method which will end all arguments has been developed. The most critical meeting about this new method- which will be approved

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by the members of all sects, communities, orders and opinions- will be held on this weekend. The ultimate form of the study will be determined on this meeting and the public will be informed widely in the first months of 2008. Thanks to this, Halal Certificate system in the world will gain a new dimension and will be more comprehensive.

In conclusion, developing a Halal Certificate system is a Fardh Kifaayah for Muslims. However, in our opinion, not being able to find an agreed solution and not being interested make this Fardh 'Ayn. Consumers Union invites all of the agents who want to take action in this

area acting together. We have demands about this action that can not be counted as prerequisites: This job should not be considered as a commercial profit tool. The solution should be considered as fulfillment of a fardh over a sect or group fanaticism. The ethereal result of regaining the values lost in the secularization, materialization and industrialization processes is enough for us as earnings.