



# Persatuan Pengguna Pulau Pinang Consumers Association of Penang

檳城消費人協會 பினாங்கு பயனர்களர் சங்கம்

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## Press Statement

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### **Government should increase penalty on dirty food factories and eateries**

The Consumers' Association of Penang (CAP) urges the authorities to check on all food factories to ensure that they comply to a high standard of hygienic food manufacturing practices. We have been making this call to monitor food manufacturers for decades, but it appeared that raids had only been carried out irregularly thus emboldening some factories to violate the law.

In recent media reports, several food factories in Penang were told to cease all operations for cleaning purposes for two weeks in accordance with Section 11 of the Food Act 1983. The four factories were fined a total of RM9,000 which average out to a mere RM2,200 which is a small sum for food manufacturers.

According to a report the Penang Health Department sprang into action after receiving complaints from consumers that they found foreign matter in their food items. We are greatly disappointed by the Penang Health Department approach of 'management by complaint' rather than conducting periodic surprise checks on food factories.

We are of the opinion that Food Act 1983 should be amended as Section 11 of the Act does not serve as a deterrent: "order the closure forthwith not exceeding fourteen days of any premises preparing or selling food" and "is liable on conviction to imprisonment for a term not exceeding five years or to fine or to both".

The penalties prescribed by Section 11 of the Act is grossly insufficient taking into consideration of the huge population of people that can be affected by the distribution of contaminated food from a factory. An example for such a case is the loh see fun noodle poisoning in 1988 that killed 13 children and causing adverse health effect on others in Perak.

Just as in the case of dirty food outlets, the Penang Island and Seberang Perai City Councils (MBSP and MBSP respectively) power are limited in the issuance of compound to dirty food outlets.

As of now, only the Health Department has the power to close down illegal and dirty premises under Section 38 (1) of the Food Establishment Act Bylaws 1991. Hence, the MBPP had in 2013 requested the Health Ministry to grant them the power to close dirty eateries. We support the move as there are many illegal and dirty premises as well as repeat offenders.

There have been instances in the past when CAP highlighted of eateries which placed food on the floor and some eateries that prepared their food next to the toilet. The department's officers have on occasions found food outlets infested with rodents and other pests, or at least evidence of their presence in the form of their excrement or carcasses.

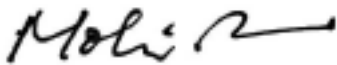
Other potential health hazards are the over stuffing of their refrigerators or freezers, and storage of

processed food together with raw meat. This increases cross contamination of, particularly, processed food because they will just be heated up but not be thoroughly cooked before serving.

Such filthy and unhygienic practices put the customers of these eateries at risk of food poisoning. They also tarnish the names of those that adhere to standard food handling practices.

Environmental health licensing officers should raid all eateries and come down hard on them, particularly repeat offenders. The reason is because under Section 39 of the Bylaw, any person who contravenes any of the provisions of this by-law “shall be guilty of an offense and shall be liable on conviction to a fine not exceeding two thousand ringgit or to imprisonment for not more than one year or both, and in the case of further offenses, a sum of not more than two hundred dollars for each day of the offense shall continue after conviction.”

We urge the MBPP and MBSP to consider increasing the fine to “not more than RM15,000” because a fine of RM2,000 is a small amount to a chain food outlet whose daily income can exceed RM15,000. This is probably the reason why some eateries dared to flout the Bylaws time and again. As for factories that are under the jurisdiction of the Health Departments, we urge the government to consider raising the fine to RM30,000 after considering the gravity of their lackadaisical attitude and the possible extent of negative health impact on the consumers.



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