102749 - Ruling on fizzy drinks

the question

There have been rumours lately about the inclusion of derivatives from pig intestines in the famous American drink Pepsi, and I have heard a fatwa that states that it is haraam. Are these rumours true? What is the ruling on drinking this beverage? What is the ruling on other, similar fizzy drinks?

Detailed answer

Praise be to Allah.

Firstly:

The basic principle concerning all kinds of food is that they are halaal unless there is proof that they are haraam. There has been a lot of discussion about some fizzy drinks, which we should discuss and examine:

1- Fizzy drinks contain alcohol that is used for the purpose of dissolving some ingredients

Dr Muhammad ‘Ali al-Baarr says in his book al-Khamr bayna at-Tibb wa’l-Fiqh (p. 65):

Many readers may not be aware that some ingredients of fizzy drinks such as Pepsi Cola, Coca-Cola and others have been dissolved in alcohol. End quote.

2- These drinks contain an enzyme called pepsin, which is usually produced from the membranes of pig intestines.

It says in al-Mawsoo‘ah al-‘Arabiyyah al-‘Ilmiyyah (26/106):

Pepsin is a digestive enzyme that is found in stomach acid; it breaks down proteins into peptides. Pepsin resembles other enzymes in its chemical composition, but its effects are very different. Its effect is stronger in an acidic environment, such as that of the stomach, but it does not have any

effect on fats or carbohydrates. Pepsin is produced commercially by drying the mucous membranes of pig and calf stomachs. There are several commercial preparations of this substance can be taken in order to facilitate digestion. End quote.

3- There are some proven health risks

This is a summary of what may be said about these drinks.

Secondly:

In order for these issues to have an impact on the ruling, it is essential to confirm two things: whether they are actually present in these drinks, then to confirm the shar'i ruling concerning them. With regard to using alcohol or pepsin that is derived from pigs, in fact it is not necessarily the case in all drinks or in all factories. Other substances may be used for dissolving, under the supervision of the people in charge of the drinks factories. In many Muslim countries, use of alcohol for dissolving is avoided, and other substances are substituted that are free of such problems.

With regard to pepsin, it may be derived from calf stomachs – as mentioned above in the quotation from al-Mawsoo'ah al-'Arabiyyah al-'Aalamiyyah – and it is also possible to manufacture it in laboratories by other chemical means. The factory may not necessarily derive it from pig intestines.

With regard to harm, after researching the matter thoroughly, we have not come across any authentic and proven scientific study that confirms that these drinks do indeed cause harm. The most that we have found is reports here and there, which even if they quote a little scientific evidence, it does not reach the level of proving that it causes widespread harm to such a degree that these drinks should be deemed haraam.

The fact that millions of people consume fizzy drinks every day – and often more than once in a day – supports the view that they do not cause the harm that one reads about, and perhaps such reports are exaggerated.

Thirdly:

Contemporary fuqaha’ have researched the ruling on using alcohol and some enzymes that are derived from pork, that have been absorbed (istihlaak) or or transformed (istihaalah) – from its original nature – in food and drink nowadays. They reached the conclusion that these foods are permissible because the prohibited substances have disappeared into the permissible substances and been completely absorbed. In fact, in some cases the chemical structure is altered and it turns into a different substance altogether.

It says in Tawsiyaat Nadwat ar-Ru’yah al-Islamiyyah li Ba‘d al-Mashaakil at-Tibbiyyah:

Additives in food and medicine that come from sources that are impure or prohibited may be turned into substances that are Islamically permissible in one of two ways:

1- Istihaalah (transformation)

What is meant by istihaalah in fiqhi terminology is altering a substance that is impure or prohibited to consume, and turning it into something distinctly different from it in name, features and characteristics.

This may be expressed in scientific terms as referring to any chemical interaction that changes a substance into another compound, such as turning oils and fats from different sources into soap, or breaking down a substance into its different component parts, such as breaking down oils and fats into fatty acids and glycerin.

This chemical interaction may be done deliberately by scientific and technical means, or it may occur unexpectedly, in ways that the fuqaha’ mentioned by way of example, such as wine turning into vinegar, dyeing, and burning.

Based on that:

(i) additives from animal origins that are haraam or impure (najis) and have undergone a process of transformation (istihaalah) – as referred to above – are regarded as pure and permissible to

consume in foods and medicines

(ii) chemical components that are derived from impure or haraam sources such as blood that has been shed, or sewage, and have not undergone a process of transformation (istihaalah) in the sense referred to here, are not permissible for use in food and medicine. Examples include food to which blood is added, such as blood sausage, black pudding, and other foods, pastries and soups that are made with blood, and the like. They are regarded as impure food that it is prohibited to eat, because they contain blood that has been shed and has not undergone a process of transformation.

With regard to blood plasma that is regarded as a cheap alternative to egg albumen – which may be used in pastries, soups, puddings, bread, various kinds of dairy products, and children's foods and medicines, and may also be added to flour, the symposium thinks that it is a different substance that is distinct from blood in its name, features and characteristics, so it does not come under the same rulings as blood, although some of the attendees were of a different view.

2- Istihlaak (absorption)

This refers to mixing a haraam or impure substance with another that is usually pure and halaal, so that the characteristics of the impure substance that is Islamically prohibited disappear. That is because the characteristics of the impure substance are absorbed and overwhelmed by the substance with which it is mixed, leading to the disappearance of its taste, colour and smell; thus the smaller amount is overwhelmed and absorbed by the prevalent substance, and it comes under the ruling on the prevalent substance. Examples of that include the following:

(i) Additives that are used in a solution of alcohol in very small amounts in food and medicine, such as colourings, preservatives, emulsifiers and antioxidants.

(ii) Lecithin and cholesterol that are derived from impure sources without undergoing transformation (istihaalah). It is permissible to use them in food and medicine in very small amounts that are absorbed into the prevalent halaal and pure substance.

(iii) Enzymes of porcine origin, such as pepsin and other digestive enzymes and the like, that are used in very small amounts and are absorbed into the prevalent food or medicine.

End quote.

It says in Fataawa al-Majlis al-Urubbi li'l-Ifta' wa'l-Buhooth (fatwa no. 34):

In the ingredients of some foods it mentions "E-numbers", i.e., the letter E followed by a number. It is said that this means that it contains a substance made from pig fat or bones.

If this is proven to be the case, then what is the Islamic ruling on those foods?

Answer:

The substance referred to by an E-number is an additive, of which there are more than 350; they are either preservatives, colourings, flavour enhancers, sweeteners, and so on.

They are divided into four groups, according to their source:

(i) additives from artificial chemical sources

(ii) additives from plant sources

(iii) additives from animal sources

(iv) additives that are dissolved in alcohol.

The ruling on these things is that they do not affect the permissibility of food and drink, for the following reasons:

With regard to the first and second groups, that is because they come from permissible sources and there is nothing wrong with using them.

With regard to the third group, they do not remain as they were when taken from the animal source; rather they go through a chemical process of transformation (istihaalah) that alters their

nature completely, to the point that the material turns into a new, pure, substance. This change affects the Islamic ruling on that substance. If its essence was haraam or impure, then its transformation into a new substance gives it a different ruling, such as wine when it turns into vinegar; it becomes halaal and pure, and because of that change it no longer comes under the rulings on wine (khamr).

With regard to the fourth group, these are usually colourings; a very small amount of the solution is used, and it is absorbed into the final product. These may be overlooked.

So if any food or drink contains any of these substances, it remains permissible as it was originally was, and there is nothing wrong with the Muslim consuming it.

Our religion is easy; it forbids us to overburden ourselves and to spend time searching and examining such things which are not what Allah, may He be exalted, or His Messenger have enjoined upon us.

Quoted from Fiqh an-Nawaazil by Dr Muhammad al-Jeezaani (4/263-267)

Dr Muhammad ‘Ali al-Baarr says in al-Khamr bayna at-Tibb wa’l-Fiqh (p. 65):

If someone drinks a lot of these beverages, such as Pepsi-Cola, will he become intoxicated? It is well-known, and there is general consensus, that he will not become intoxicated even if he drinks a huge amount. So the reason for prohibition – which is that it causes intoxication – is absent in this case. … Based on that, the hadith “Whatever intoxicates in large amounts, a small amount of it is haraam” or “Whatever intoxicates in large amounts, a handful of it is haraam” – narrated and classed as hasan by al-Albaani (1866); classed as saheeh by al-Albaani in Saheeh at-Tirmidhi – does not apply to these drinks, because if a person consumes these drinks in any amount, he will not become intoxicated.

Based on that, these drinks can only be halaal, because the reason for prohibition, namely intoxication, is absent altogether… And because they cannot be called khamr (alcohol) on any grounds, be it linguistic, Islamic or any other.

Despite all that, most of the fuqaha' are unanimously agreed that if alcohol is added to the liquid or substance and is dissolved and absorbed completely into it, in the sense that that substance can no longer be regarded as causing intoxication, even if it is drunk in large amounts, then that substance becomes halaal, and whatever it contains of alcohol is overlooked, because it comes under the ruling on that which has been absorbed. The fuqaha' quoted as evidence for that the action of the Prophet (blessings and peace of Allah be upon him) when some cheese from Syria was brought to him, and he was told that it had been made with impure rennet. He (blessings and peace of Allah be upon him) regarded it as permissible to eat it and he did not disallow it.

It was narrated from Ibn 'Umar: Some cheese was brought to the Prophet (blessings and peace of Allah be upon him) in Tabook, that had been made by the Christians. He called for a knife, mentioned the name of Allah over it, then cut some off and ate it.

Narrated by Abu Dawood (3819); classed as hasan by al-Albaani.

Ahmad and al-Bazzaar narrated from Ibn 'Abbaas that some cheese was brought to the Prophet (blessings and peace of Allah be upon him) during a campaign and he said: Where was this made? They said: In Persia, and we think that some "dead meat" (something taken from an animal that died without being slaughtered in the prescribed manner) was added to it. He said: "Cut it with a knife, mention the name of Allah over it, and eat."

Musnad Ahmad (1/302); classed as hasan by the commentators

Based on that, all of these fizzy drinks such as Pepsi-Cola, 7-Up, Coca-Cola, and so on, come under the heading of permissible drinks that Allah has permitted to us, despite the fact that some of their ingredients may have been dissolved in a small amount of alcohol. And Allah knows best.

In Kitaab al-At'imah (section on food) in al-Mawsoo'ah al-Fiqhiyyah, issued by the Ministry of Awqaaf and Islamic Affairs in Kuwait, under the title "al-Ghazozah (Pop)" it says:

Pop refers to sweet drinks that contain a small amount of essential oils and are saturated with carbon dioxide under pressure that is higher than atmospheric pressure. Other substances may be

added to give a particular colour or flavour.

The essential oils that are used in the manufacture of pop are not mixed with the other ingredients until they have been dissolved by adding a small amount of alcohol to them. Alcohol is an intoxicant; indeed it is the most prominent of all intoxicants, so it is impure (najis) according to the majority of scholars, therefore the essential oils and pop become impure and hence haraam to drink.

This is what appears to be the case at first glance. But if we examine the matter more deeply, we can say that the addition of alcohol is only done for a particular purpose, and it is like the impure rennet that is added to milk in order to make cheese. They said: The rennet does not make the milk impure; rather it is overlooked.

This applies if we say that alcohol is impure. But if we say that it is pure, as ash-Shawkaani said, and as was the view favoured by the Fatwa Committee of al-Azhar, then there is no problem. And Allah knows best. End quote.

The scholars of the Standing Committee for Issuing Fatwas were asked:

(a) What is the Islamic ruling on eating Dutch butter?

(b) What is the Islamic ruling on eating faseekh (small salted fish) and sardines?

(c) What is the Islamic ruling on drinking chilled drinks such as Pepsi and Sport Cola, for example?

They replied:

(a) The basic principle concerning different types of butter is that they are permissible, unless what is said about them is proven to be correct. But we do not know up till now the soundness of any such report, so they remain permissible as they are originally.

(b) Faseekh and sardines are both fish, and it is permissible to eat fish even if it is “dead meat” (i.e., not slaughtered in the prescribed manner, because it is narrated and proven from the

Prophet (blessings and peace of Allah be upon him) that he said, when he was asked about the water of the sea: “Its water is a means of purification and its ‘dead meat’ is halaal.” So eating these two foods is permissible.

(c) All the drinks you have mentioned are permissible, so long as they do not cause intoxication in large amounts.

End quote.

Fataawa al-Lajnah ad-Daa’imah (22/314)

They were also asked (22/262):

There are a lot of rumours about imported butter and Pepsi. We often hear that some haraam things are added to Pepsi and butter.

They replied:

With regard to imported butter and Pepsi, we do not know of anything in them to suggest that they are haraam, because the basic principle with regard to things is that they are permissible until it becomes apparent that they should be prohibited. But if a person feels in himself something that makes him doubt, then let him leave it for that which does not make him doubt, because of the hadith to that effect.

We have written to the Ministry of Trade concerning what is said about imported butter, and they replied that it is free of what it is rumoured to contain of haraam ingredients. We ask Allah, may He be exalted, to enable us all to understand His religion. End quote.

See also the answer to question no. 22013.

And Allah knows best.