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- School of Fiqh (Madhab): Hanafi
- Title (A Short Summary): Ethonal Alcohol
- Question: Question Regarding Quantity of Ethanol in Food and Drinks to be permissible for consumption Monday, September 09, 2013 Dear respected Mufti Our Question is what percentage of ethanol is permissible that a food or a drink product can contain that it would still be suitable for consumption? Also, we would like to know the verdict on Vanilla Extract and Almond Extract, or any other extract, since the product itself contains a high level of alcohol, but when someone is using only a spoon full before baking, will the baked item be considered as haram? Why are we asking this question? Our investigations have revealed that almost 70% of the products found in a typical grocery store contain some quantity of ethanol. Any product that has “Natural and/or Artificial Flavor” ingredient listed will contain some amount of ethanol. If we were to follow the 0% rule than we can pretty much declare almost everything haram. It is almost impossible to figure out the source of the alcohol from which the ethanol was derived from, i.e. Grape, Wheat, Corn, Dates, etc. Even the manufacturers themselves who purchase ethanol in bulk do not know. Although in Canada most of the food grade ethanol is from wheat, but other sources are also possible but difficult to find out. It is almost impossible to figure out the amount of left over ethanol in the end product, even the manufactures are not able to tell, unless someone was to do lab testing of the products there is no way to know the percentage of ethanol left over. This becomes an issue if someone was to say that 0.5% of ethanol is acceptable in a product, how would we know which products fall under and over this criteria, if the manufactures themselves don't know. Due to high number of products that use ethanol in the manufacturing process, where ethanol is used as a flavor solvent, our recommendation would be that if ethanol is listed as an active ingredient on a product itself then we declare it to be haram, this would also include vanilla extract. However, if ethanol is not listed on the package ingredients and is only used as a manufacturing ingredient than that product be made acceptable.

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### As Salaamu Alaikum wa Rahmatullah Wa Barakatuh

In reference to your query, it should be understood that the jurists have divided alcohol into two categories, *khamr alcohol* and *non-khamr alcohol*. *Khamr alcohol* has been classified as that alcohol which is derived from dates and grapes whereas *non-khamr alcohol* is that alcohol which is derived from anything else, whether it is honey, barley, wheat, or petroleum. The ruling with regards to *khamr alcohol* is that even one drop of it is considered Haram and impure. As for *non-khamr alcohol*, there are two opinions within the Hanafi school of thought. Imam Muhammad (May Allah have mercy on him) is of the opinion that it carries the same ruling as Khamr Alcohol. However, Imam Abu Hanifa and Imam Abu Yusuf (May Allah have mercy upon them) are of the opinion that it is permissible to consume non-Khamr alcohol in a non-intoxicating amount.

As mentioned in your query, due to the fact that the majority of products sold at grocery stores contain some amount of alcohol and it being very difficult to abstain from using such products, many scholars have issued the Fatwa based on the opinion of Imam Abu Hanifa and Imam Abu Yusuf (May Allah have mercy on them) with the following conditions;

- 1) It is not used as an intoxicant
- 2) It is not used in the manner intoxicants are used
- 3) It is not used in an amount that intoxicates
- 4) It is not used in vain

After consulting many experts in the food manufacturing industry, we have reached the conclusion that due to high costs, alcohols used as an ingredient in food products are not sourced from dates or grapes, therefore the base assumption will be that alcohol in food products is non-Khamr. However, if one's research proves that the alcohol in a certain product is sourced from dates or grapes, then it would not be permissible to consume of it.

Based on the above, there is no doubt that those products which do not have alcohol listed as an active ingredient will be permissible to consume as the amount of alcohol in those products is so minimal, that even if one was to consume the product to one's fill, one would not get intoxicated.

As for those products which have alcohol listed as an active ingredient, such as vanilla essence, if it is used in a minimal, non-intoxicating amount, as vanilla essence is normally used, it cannot be considered Haram, especially when the purpose of using such products is not the alcohol. Yes, if used in an excessive amount, where one fears it may lead to intoxication, it would not be permissible.

Also, it should be remembered, that as the verdict being issued on the opinion of Imam Hanifa and Imam Abu Yusuf (May Allah have mercy on them) is based on necessity and public predicament, it would be better to abstain from using such products when an alternative is easily available, especially in the case where alcohol is listed as an active ingredient.

It is also important to note, that based on the conditions mentioned above, it would not be permissible to consume a product where alcohol is the main purpose or which is consumed in the manner that intoxicants are consumed, such as alcoholic drinks etc.

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أحسن الفتوى ٤٨٨: ٤، نظام الفتوى ٣٥٣: ١، جديد فقهى مسائل ٢١٨: ١

قُلْتُ: وَكَانَ يَنْبَغِي لِلْمُصَنَّفِ أَنْ يَذْكَرَ التَّفْيِيدَ بِعَدَمِ اللَّهْوِ وَالطَّرْبِ وَعَدَمِ السُّكْرِ بَعْدَ الرَّابِعِ لِيَكُونَ قِيْدًا لِلْكَلِّ (قَوْلُهُ فَلَوْ شَرِبَ مَا يَغْلِبُ عَلَى ظَنِّهِ إِنْ خُرِمَ أَيْ يَحْرُمُ الْقَدْرُ الْمُسْكِرُ مِنْهُ، وَهُوَ الَّذِي يَغْلِبُ أَوْ يَغَالِبُ الرَّأْيَ أَنَّهُ يُسْكِرُهُ كَالْمُنْجَمِ مِنَ الطَّعَامِ، وَهُوَ الَّذِي يَغْلِبُ عَلَى ظَنِّهِ أَنَّهُ يَغْفُبُهُ التَّحَمُّةُ تَتَارُخَانِيَّةً. فَالْحَرَامُ: هُوَ الْقَدْحُ الْأَخِيرُ الَّذِي يَخْصُلُ السُّكْرُ بِشْرَبِهِ كَمَا بَسَطَهُ فِي النَّهَائِيَّةِ وَغَيْرِهَا؛ وَيُحَدُّ إِذَا سَكِرَ بِهِ طَائِعًا. قَالَ فِي مُنِيَّةِ الْمُفْتِي شَرِبَ تِسْعَةَ أَقْدَاحٍ مِنْ نَبِيذِ التَّمْرِ فَأَوْجَرَ الْعَاشِرَ لَمْ يُحَدِّ اهـ. وَقَالَ فِي الْخَانِيَّةِ. وَفِيمَا سِوَى الْخَمْرِ مِنَ الْأَشْرِبَةِ الْمُتَّخَذَةِ مِنَ التَّمْرِ وَالْعَنْبِ وَالرَّيْسِ لَا يُحَدُّ مَا لَمْ يَسْكُرْ. (شامي 6/453)

قَالَ رَحِمَهُ اللَّهُ (الشَّرَابُ مَا يُسْكِرُ) هَذَا فِي اصْطِلَاحِ الْفُقَهَاءِ لِقَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ «كُلُّ مُسْكِرٍ حَرَامٌ» وَهَذَا مَعْنَاهُ.

قَالَ رَحِمَهُ اللَّهُ (وَالْمُحْرَمُ مِنْهَا أَرْبَعَةٌ: الْخَمْرُ وَهِيَ النَّيْءُ مِنْ مَاءِ الْعَنْبِ إِذَا غَلَى وَاشْتَدَّ وَقَدَفَ بِالرَّبْدِ وَحُرْمٌ قَلِيلُهَا وَكَثِيرُهَا) وَقَالَ بَعْضُهُمْ كُلُّ مُسْكِرٍ حَرْمٌ لِقَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ «كُلُّ مُسْكِرٍ حَرْمٌ» رَوَاهُ مُسْلِمٌ وَلِقَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ «الْحَمْرُ مِنْ هَاتَيْنِ التَّحْلَةِ وَالْعَنْبَةِ» رَوَاهُ مُسْلِمٌ، وَأَبُو دَاوُدَ لِأَنَّهَا سُمِّيَتْ حَمْرًا لِمُخَامَرَةِ الْعَقْلِ وَكُلُّ مُسْكِرٍ يُخَامِرُ الْعَقْلَ وَلَنَا إِجْمَاعُ أَهْلِ اللَّغَةِ عَلَى حَقِيقَتِهِ فِي النَّيْءِ مِنْ مَاءِ الْعَنْبِ وَتَسْمِيَةِ غَيْرِهَا بِالْحَمْرِ مَجَازًا. (البحر الرائق 8/247)

(وَأَمَّا) الْمُسَلَّتُ فَنَقُولُ: لَا خِلَافَ فِي أَنَّهُ مَا دَامَ خُلُوًّا لَا يُسْكِرُ يَحِلُّ شُرْبُهُ. (وَأَمَّا) الْمُعْتَقُ الْمُسْكِرُ فَيَحِلُّ شُرْبُهُ لِلتَّداوِيِّ وَاسْتِمْرَاءِ الطَّعَامِ وَالتَّقْوِيِّ عَلَى الطَّاعَةِ عِنْدَ أَبِي حَنِيْفَةَ وَأَبِي يُوسُفَ رَضِيَ اللَّهُ عَنْهُمَا وَرَوَى مُحَمَّدٌ رَحِمَهُ اللَّهُ أَنَّهُ لَا يَحِلُّ، وَهُوَ قَوْلُ الشَّافِعِيِّ رَحِمَهُ اللَّهُ وَأَجْمَعُوا عَلَى أَنَّهُ لَا يَحِلُّ شُرْبُهُ لِلَّهْوِ وَالطَّرْبِ. (بدائع الصنائع 5/116)

## AND ALLAH TA'AALA KNOWS BEST

Ismail Kotwal

15<sup>th</sup> Muharram 1435

19<sup>th</sup> November 2013

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