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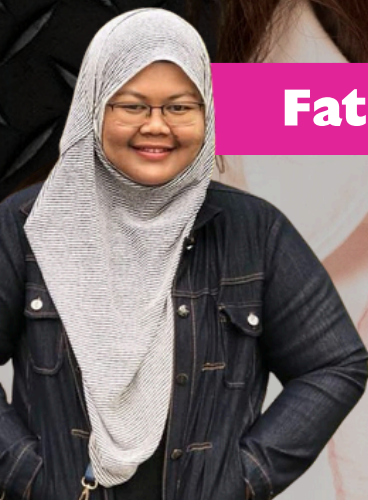
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ON MALAYSIAN RESTAURANTS:

AN ANALYSIS OF LEGAL AND ETHICAL CONSIDERATIONS

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The rise of social media has revolutionized marketing, leading companies to increasingly leverage influencer marketing to reach broader audiences. Social Media Influencers (SMIs), perceived as authentic and relatable, use platforms like Instagram and TikTok to promote products, particularly in the food and beverage sector (Perumal, Krisnan, & Abdul Halim, 2019). Their endorsements are often perceived as more trustworthy than conventional brand advertisements, especially among millennials.



In Malaysia, these influencers often command significant trust from younger consumers, who regard their opinions as authentic and relatable compared to traditional advertising (Suhaimi & Ahmad Tajuddin, 2024). Consequently, Malaysian restaurants actively engage SMIs to promote their food quality, ambiance, and overall dining experience, leveraging these reviews to attract and retain customers (Che Wan Mohd Khair, 2023). As influencer marketing continues to grow, it raises important questions about legal responsibilities, the ethical transparency of paid promotions, and the authenticity of reviews (Nawi & Faizol, 2021).



When authenticity speaks, voices like Jason Chen and Janna Nick become the tastemakers that truly matter. But how far can restaurant owners accept honest criticism? Can these reviewers be legally silenced for telling the truth?

This paper examines the legal frameworks related to food reviews in Malaysia and discusses the ethical issues that both reviewers and restaurant owners need to consider.



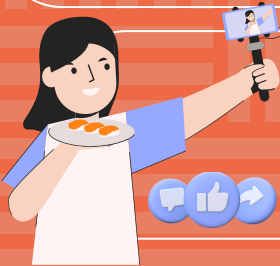
THE LEGAL LANDSCAPE OF FOOD REVIEWS IN MALAYSIA

The regulation of food reviews in Malaysia involves several laws aimed at promoting fair business practices, protecting consumers, and building public trust. The Consumer Protection Act (CPA) 1999 is a key statute that aims to safeguard consumers by preventing misleading or false information in marketing and advertising. It prohibits false or deceptive representations about goods or services, which would include dishonest reviews about food quality or restaurant services (Section 10).



Evans et al. (2017) found that clear disclosure of paid promotions on Instagram helps consumers recognize sponsored content and build trust. This emphasizes the need for transparency in influencer marketing to avoid misleading audiences. Proper disclosure supports both legal compliance and ethical practices in digital advertising.

Besides consumer protection laws, the Communications and Multimedia Act (CMA) 1998 also regulates content shared on digital platforms. Specifically, Section 233 makes it an offense to misuse network services by spreading false information or offensive content online. Since food reviews are often posted on social media, influencers and reviewers need to be careful that their posts comply with these rules. A negative review containing false claims that damage to a restaurant's reputation could potentially attract legal consequences under CMA 1998.

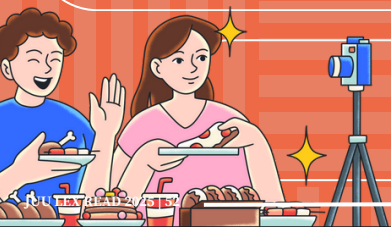


In September 2022, a woman posted a video on TikTok expressing her dissatisfaction with a Pattaya fried rice dish she ordered online from Asmani Tomyam Seafood in Alor Setar. The restaurant owner discovered the video and lodged a police report against her for defamation. The incident sparked amusement among social media users, highlighting the sensitivity of businesses to online reviews and the potential for legal repercussions.

The Defamation Act 1957 may also be relevant when food reviews contain statements that may harm the reputation of restaurants or individuals. Defamation law protects businesses from unfair attacks, requiring that any critical review be based on facts and not exaggerations or untruths. For instance, the Nasi Kandar Line Clear restaurant filed a defamation suit against The Star newspaper in 2020 over a report stating it was fined for cross-contamination and improper food handling.



The case, however, was settled out of court, but it underscores the potential legal implications of publishing information that could harm a business's reputation. Therefore, we need to exercise caution and honesty, ensuring our opinions are fair and substantiated.



ETHICAL CONSIDERATIONS IN FOOD REVIEWING



Food reviews play a significant role in the food and beverage (F&B) industry. Whether shared by regular diners, media outlets, or social media influencers, these reviews function as a form of check and balance, encouraging restaurants to maintain quality and accountability. The example of the 2023 incident reported by one of the diners in a fine dine in the restaurant questioned that she was banned from expressing her feedback as a customer. In fact, restaurants cannot legally prevent diners, including influencers and reviewers, from sharing their honest opinions if the meals were paid for. Attempting to do so may infringe on freedom of expression (Lee, K. Y., 2023).

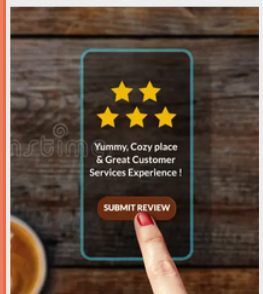
In February 2025, an article shared by Forward Malaysia regarding food reviewer Jason Chen when he defended his honest review practices after being criticized by a TikTok creator. He argued that transparency builds consumer trust and that restaurants should focus on improving quality instead of silencing critics. Jason also stressed that all diners have the right to share their experiences and called out racial bias in the backlash he received.



Understandably, food reviewers and influencers carry an ethical responsibility to ensure that their content is honest, fair, and based on actual experiences. Misleading or exaggerated reviews, particularly when influenced by undisclosed sponsorships, can harm public trust and damage a business's reputation. Transparency about any benefits received, such as free meals or payments, is crucial to maintaining the credibility of both the reviewer and the review itself. These ethical practices are not only important for audience trust but also serve as a safeguard against potential legal challenges related to false or biased claims.



In the Malaysian context, where food is closely tied to cultural and religious values, ethical considerations must also include sensitivity towards halal standards and other religious practices. A careless remark or inaccurate statement about halal status, for instance, can trigger public backlash and unjust harm to a restaurant's image. At the end of the day, honest food reviews not only can help to build consumer trust, but they must be shared responsibly and fairly. Legal and ethical guidelines play an important role in protecting both reviewers and businesses from harm or misinformation. Striking this balance encourages a culture of accountability, where freedom of expression is respected without compromising integrity or reputation.



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