

LEGAL ANALYSIS OF HEALTHY PRODUCT CLAIMS MISLEADING IN THE BAKE N GRIND CASE IN BALI

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Abstract

Misleading health product claims on food labels are a crucial issue in consumer protection in Indonesia. This study analyzes the Bake n Grind case as a concrete example, examining the national legal framework, enforcement effectiveness, and regulatory challenges. Using a juridical-normative approach with a literature review approach, this article examines the implementation of Law Number 8 of 1999 concerning Consumer Protection and Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, as well as other related regulations. The analysis reveals weak law enforcement, low consumer awareness, and the need for regulatory reform to prevent the practice of misleading claims. Policy recommendations focus on strengthening supervision, consumer education, and harmonizing digital regulations.

Keywords: *Consumer Protection, Healthy Product Claims, Bake n Grind*

INTRODUCTION

In today's world, many people are willing to spend more to obtain products that are considered to support a healthy lifestyle, especially in terms of food. This is exploited by a number of business actors, one of which is a bakery business owner. This business is exploited and becomes an opportunity for entrepreneurs by offering a product that they claim is a "healthy product" that attracts consumers' attention. However, it is not uncommon for these claims to be misleading or not in accordance with the actual facts, thus posing risks to consumers, both in terms of health and trust in the product. Reported on the tvonenesws.com page, a bakery in Bali "Bake n Grind" is suspected of repackaging products from other stores and using false labels such as "gluten free," "dairy free," "sugar free," and "vegan," which resulted in consumer losses and a serious allergic reaction in one consumer. Repackaging is the act of replacing the original packaging of a product without changing the substance of the product's benefits with the aim of creating the illusion of added value through a new visual appearance. This is considered manipulative in business ethics perspective because it has the potential to mislead consumers and damage public trust in the product. (Handayani et al., 2025).

This incident went viral on social media after a consumer with the initials FE shared her personal experience where her child experienced acute skin rash after consuming Bake n Grind products. The victim was a 17-month-old toddler whose skin condition worsened after

consuming the product. FE's post on her social media account was then responded to by several other consumers who also felt aggrieved. In the post, FE admitted that she had not previously suspected Bake n Grind products because she had fully believed that Bake n Grind products were truly gluten-free. Her suspicions only arose after she found a product display on Bake n Grind's Instagram store that resembled a bread product from a well-known brand. After discovering this incident, FE conducted an independent laboratory test and unfortunately, the results of the laboratory test conducted by FE showed the presence of gluten in a bread sample consumed by her child. As reported on Associe.co.id, FE, the toddler's parent, filed a report with the Jakarta Metropolitan Police for alleged fraud and consumer protection violations. This was followed by food violations and money laundering related to false claims of gluten-free products and unrefunded customer deposits. The report was received under number LP/B/7458/X/ 2025/SPKT/Polda Metro Jaya, and the Jakarta Metropolitan Police have confirmed the alleged non-conformity of the promised product.

Related to the above case, a question arises to be used as the object of research in this paper regarding how Indonesian consumer protection law handles misleading practices carried out by Bake n Grind which is suspected of repackaging products, as well as inappropriate claims that cause allergic reactions in a number of consumers ranging from children to adults in Bali and sanctions given to business owners for their actions that have provided false information that is detrimental to many consumers, by relying on normative juridical analysis to explore the regulatory framework. The main objective of this paper is to provide an overview of the role of consumer protection law based on Law Number 8 of 1999 concerning Consumer Protection in regulating misleading claims in online product advertisements, using the Bake n Grind case as a reference for discussion. This paper aims to identify legal loopholes in health-related claims, assess the adequacy of sanctions to prevent similar fraud.

LITERATURE REVIEW

Consumer protection is a crucial aspect of the Indonesian legal system, aiming to protect consumers from harmful business practices. Law Number 8 of 1999 concerning Consumer Protection serves as the primary foundation for regulating the relationship between businesses and consumers in Indonesia. According to research conducted by Kristiyanto (2008) in her book "Consumer Protection Law," this regulation governs the rights and obligations of consumers and businesses, including a prohibition on misleading advertising practices. These studies align with findings in the Bake n Grind case, where oversight gaps in digital platforms remain a challenge. Transparency is a key element for consumer protection. Furthermore, the role of third-party certification and product traceability is also becoming a key concern in the modern food system (Regulation (EU) No. 1169/2011). Health claims on food products have become a crucial issue in consumer protection, especially in the modern era where consumers are increasingly health-conscious. Regulation of the Food and Drug Monitoring Agency (BPOM) No. 31 of 2018 concerning Processed Food Labels regulates in detail the claims that can be included on food labels, including "gluten-free," "dairy-free," and "sugar-free."

Research from the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) in the Codex Alimentarius Guidelines emphasizes the importance of international standards in nutrition and health claims on food. The FAO/WHO Codex

Alimentarius (2019) sets guidelines for nutrition and health claims, requiring scientific evidence for claims such as "reducing the risk of disease." In the United States, the Federal Trade Commission (FTC) has handled thousands of cases of misleading claims on health products, such as the case of Herbalife being fined for unsubstantiated weight loss claims (FTC, 2016). Research by Andrews et al. (2011) in *Journal of Public Policy & Marketing* found that misleading claims are more effective in developing markets like Indonesia, where consumer awareness is low, increasing the risk of exploitation.

Several cases in Indonesia show a similar pattern to the potential Bake N Grind case. For example, PT. Nippon Indosari Corpindo Tbk was involved in a controversy related to health claims on its products, similar to the potential problems at Bake N Grind, in 2015-2016. The Food and Drug Monitoring Agency (BPOM) and the National Consumer Protection Agency (BPKN) accused the Food and Drug Monitoring Agency (BPOM) of making health claims on some of its bread products, such as "healthy bread" or "highly nutritious," that were not supported by strong scientific evidence. For example, products like Sari Roti Soft Cake claimed to be a "natural energy source" and "low in calories," but audits found that the composition of ingredients and labels did not comply with Codex Alimentarius standards, and there was a risk of non-transparent additive content (BPOM, 2016). This case resulted in product recalls, administrative fines, and consumer education campaigns by BPKN, with consumer losses estimated to reach billions of rupiah due to purchases based on misleading claims (BPKN, 2017).

This case exemplifies a violation of Article 8 of the Consumer Protection Law, where Sari Roti was deemed to have failed to provide accurate and non-misleading information. The study suggests that the company used digital marketing strategies to bolster its claims, similar to the trend in Bali where bakeries like Bake n Grind may leverage social media to promote "healthy" products like toast or herbal drinks. Overall, the literature emphasizes the need for strengthened regulation and consumer education to prevent misleading claims, particularly in tourist areas like Bali. This study will serve as a basis for analyzing the Bake n Grind case, where healthy product claims need to be verified against legal and scientific standards.

RESEARCH METHOD

This research uses a normative juridical method with a literature study approach, related to the Bake n Grind case in Bali. Secondary data was obtained from literature studies, laws and regulations, case documents, and online news. The analysis was conducted by examining the adequacy of existing regulations, particularly Law Number 8 of 1999 concerning consumer protection, Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, and other related regulations, as well as assessing their law enforcement practices in cases of misleading claims in the digital food industry. This approach allows for tracing how legal norms are applied in practice, as well as identifying shortcomings and challenges faced by law enforcement officials.

RESULT AND DISCUSSION

Indonesian Consumer Protection Law Addresses Misleading Practices and Untrue Claims

The era of free trade is an era where marketing is a universal discipline. Marketing concepts viewed from a global marketing strategy have changed over time (Sri Redjeki Hartono, 2008). Increasing consumer weakness due to increasingly advanced marketing technology has resulted in consumers being confused in making choices. Therefore, business actors exploit this weak consumer condition unfairly. The Bake n Grind case is a clear example of weak oversight of product health claims on digital platforms. Although the Consumer Protection Law, as stipulated in Articles 9 and 62, prohibits misleading statements and their sanctions, enforcement in the field is still hampered by minimal claim verification by relevant authorities and e-commerce platforms. In this case, consumers suffered physical (allergic reactions) and material losses due to believing claims of "gluten-free," "dairy-free," "sugar-free," and "vegan," when the "gluten-free" claim for Bake n Grind products was not proven based on independent laboratory testing by a consumer. Bake n Grind is suspected of repackaging the products it sells, this is a direct violation of the Consumer Protection Law. This refers to the process of repackaging imported raw materials or products with new packaging that displays "healthy" claims without significant changes in composition or without accurate relabeling.

Based on Article 8 paragraph (1) of the Consumer Protection Law, providing information that does not correspond to the facts about the condition of goods, including labels and packaging, is strictly prohibited. In general, the prohibitions imposed in Article 8 of the Consumer Protection Law can be divided into two main prohibitions, namely (Anita Sinaga & Sulisrudatin, 2015):

- a) Prohibitions related to the product itself, which does not meet the requirements or standards suitable for use or wear or use by consumers;
- b) Prohibition regarding the availability of false and inaccurate information that misleads consumers.

In the case of Bake n Grind, consumer reports indicate that products sold and marketed as "gluten-free," "dairy-free," "sugar-free," and "vegan" actually contained ingredients that did not live up to these claims. This is not only defrauding consumers financially, but also violates Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements, which requires food labels to include accurate nutritional information and health claims supported by scientific evidence. If proven, this practice can be considered misleading advertising, which is defined as promotions that give a false positive impression of a product. Misleading advertising is something that encourages and persuades the general public regarding the goods or services being sold, placed in mass media such as newspapers or magazines, but the content of the news presented is not yet known to be true (Ayu et al., 2017). An advertisement can be considered misleading or deceiving consumers if it meets several elements such as superlative language, attempts to defraud products by displaying product reviews with uncertain results.

Inappropriate nutritional claims are a major focus. Bake n Grind is suspected of making claims of "gluten-free," "dairy-free," "sugar-free," and "vegan." The analysis indicates that these claims violate Article 4 of the Consumer Protection Law, which guarantees consumers' right to clear and accurate information. In the Bake n Grind case, these false claims caused allergic reactions in consumers. These allergic reactions are not only an individual health issue but also constitute losses that can be sued under Article 19 of the Consumer Protection Law concerning compensation for losses resulting from the use of goods that do not comply with the information provided. These results demonstrate that legal regulations in Indonesia recognize health losses as a direct consequence of misleading information, thus providing a strong basis for affected consumers. Consumer protection regarding the right to information in online buying and selling transactions is still not functioning properly because regulations on consumer protection have not been fully implemented. This is due to business actors still ignoring obligations, prohibitions, and ignoring consumer rights, especially in providing clear, correct, and honest information about a product (Saefudin Junior & Sukma Muliya, 2023).

Bake n Grind's actions violated the principles of business ethics by exploiting consumer trust through false claims that were actually repackaging of other product brands. According to Muslich, business ethics refers to an understanding or knowledge of the ideal approach to organizing and managing business activities while adhering to universally accepted norms and morality (Suci et al., 2024). Business ethics play a crucial role in business management, including in marketing strategies built on moral values, responsibility, and universally accepted principles. Marketing strategies must prioritize moral and ethical values, ensuring that every decision or action related to product or service promotion aligns with the principles of truth, honesty, and societal moral norms. This includes a commitment to honesty in promotional activities, consumer protection, social and environmental impact assessment, and ensuring that marketing not only benefits the business but also benefits consumers and society at large, in accordance with existing moral values.

The law enforcement mechanism for these misleading practices begins at the consumer complaint level. Under Article 45 of the Consumer Protection Law, consumers who feel aggrieved can file a complaint with the Consumer Dispute Resolution Agency (BPSK), which acts as a mediator or arbitrator. The Consumer Dispute Resolution Agency (BPSK), an independent institution under the Ministry of Trade, provides a fast and low-cost dispute resolution process. In the case of Bake n Grind, if a consumer reports repackaging or false claims, the Consumer Dispute Resolution Agency (BPSK) can facilitate mediation between the consumer and the business actor. If mediation fails, the dispute can be escalated to the district court for civil proceedings. However, in this case, the victim of the claim made by Bake n Grind immediately filed a police report. Analysis shows that this mechanism is effective for small cases, but for larger cases such as Bake n Grind involving many consumers, collective complaints or class actions can be applied, although the Consumer Protection Law does not explicitly regulate this. However, this practice has been used in similar cases, such as class action lawsuits against food companies in Indonesia.

In addition to complaints, administrative aspects play a crucial role. The Food and Drug Monitoring Agency (BPOM) and the Ministry of Trade have the authority to conduct unannounced inspections of Bake n Grind products. Under Article 19 of the Consumer

Protection Law, if violations are found, administrative sanctions such as written warnings, suspension of business licenses, or revocation of licenses can be imposed. This mechanism is similar to the 2018 Sari Roti case, where the Food and Drug Monitoring Agency (BPOM) conducted an inspection and found inaccurate "healthy" claims, resulting in the product being frozen. In the Bake n Grind case, inspections can include supply chain audits to verify repackaging, which often involves cooperation with customs. A key challenge is the limited resources of the Food and Drug Monitoring Agency (BPOM) in tourist areas like Bali, where import volumes are high, resulting in inadequate oversight. This discussion highlights the need for technology integration, such as digital tracking systems, to facilitate the verification of product claims

Sanctions Imposed on Business Owners for Providing False Information that Harms Many Consumers

Law Number 8 of 1999 concerning Consumer Protection is a law in force in Indonesia to protect the rights and interests of consumers, including in cases of violations of misleading claims. The Consumer Protection Law also clearly regulates sanctions to provide a deterrent effect to business owners. In the case of Bake n Grind, victims who experienced allergic reactions due to claims made by the seller, consumers can demand medical compensation, such as medical expenses, as well as psychological losses. Court decisions in similar cases, such as the Sari Roti case, show that compensation can reach hundreds of millions of rupiah per consumer, depending on the evidence of losses. Sanctions imposed on the owner efforts to disseminate false information that is detrimental to many consumers include three dimensions, including (Prabowo et al., 2022):

1. Administrative sanctions as explained in Article 60 paragraph (1) and paragraph (2) of the Consumer Protection Law, where the Consumer Settlement Agency (BPSK) can impose administrative sanctions on business actors who commit violations in the form of determining compensation of a maximum of IDR 200,000,000,- (two hundred million rupiah). This administrative sanction can be imposed if:
 - Losses have occurred as a result of advertising production activities carried out by advertising business actors;
 - There is no guarantee after the sale provided by the business actor, either in the form of a guarantee or warranty for the goods or services sold;
 - Failure to provide compensation to consumers by business actors, in the form of replacing similar goods or services, compensation in the form of money, and covering health care costs or providing compensation for losses suffered by consumers.
2. Civil sanctions are stipulated in Article 1328 of the Civil Code. Business actors who intentionally provide misleading advertising information to consumers, based on the provisions of Article 1328 of the Civil Code, the consumer can cancel the sales and purchase agreement between the business actor and the consumer on the basis of fraud because the advertising information provided does not match the truth. Advertising business actors are also obliged to provide compensation to the party who feels harmed.

3. Criminal sanctions are stated in Article 62 of the Consumer Protection Law, which reads:

- a. "Business actors who violate the provisions as referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17, paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 shall be punished with a maximum prison sentence of 5 (five) years or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).
- b. Business actors who violate the provisions as referred to in Article 11, Article 12, Article 13 paragraph (1), Article 14, Article 16, and Article 17 paragraph (1) letters d and f shall be punished with imprisonment for a maximum of 2 (two) years or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah)."

The reason there is a difference in the imposition of criminal sanctions in Article 62 of the Consumer Protection Law is because it is based on the types of actions that have been committed, a person can be given criminal sanctions based on paragraph (1) when his actions are more in violation of standardization, safety, and threaten the health of consumers, whereas a person can be given criminal sanctions based on paragraph (2) when it seems as if he has violated the elements of misleading information in an advertisement, such as a business actor deliberately providing information that deceives consumers regarding quality, quantity, price, guarantees, and discounts.

4. Additional penalties, as stated in Article 63 of the Consumer Protection Law, include:

- a. Confiscation of certain goods;
- b. Announcement of the judge's decision;
- c. Payment of compensation; Order to stop certain activities that cause consumer losses;
- d. Obligation to withdraw goods from circulation; or
- e. revocation of business permit.

A comprehensive discussion of these results reveals several theoretical and practical implications. From a theoretical perspective, this analysis supports the doctrine of *caveat venditor*, where sellers are responsible for the information they provide, as developed by Richard Posner (2007) in *Economic Analysis of Law*. This theory emphasizes that in modern markets, consumers are not always able to verify product claims, so the law must protect the vulnerable. In the case of *Bake n Grind*, this theory is relevant because consumers in Bali, especially foreign tourists, are vulnerable to fraud due to a lack of access to local information. Furthermore, John Rawls's theory of distributive justice (1971) highlights that misleading practices exacerbate social inequality, where large businesses like *Bake n Grind* profit from the exploitation of small consumers. This discussion suggests that the Consumer Protection Law reflects these principles, but its implementation needs to be strengthened to achieve greater equity.

Comparisons with international cases provide additional insights. In the United States, the Federal Trade Commission (FTC) addresses misleading claims with much higher fines, such as in the 2016 Whole Foods case, where the company was fined \$265 million for false "organic" claims. These sanctions are more stringent because they are supported by an aggressive litigation system and adequate oversight resources. In Indonesia, the maximum

penalty of IDR 2 billion seems light compared to the scale of the losses, especially if Bake n Grind has high turnover. The discussion suggests that Indonesia needs to learn from the FTC model, such as by increasing fines based on a percentage of the company's turnover. A similar case in Europe, through the European Food Safety Authority (EFSA), emphasizes scientific verification of health claims, which could serve as a benchmark for the Food and Drug Administration (BPOM).

The results of this analysis highlight the risks to Bali's healthy food industry. If the Bake n Grind case is not handled effectively, it could damage Bali's reputation as a "healthy" tourism destination, which relies heavily on the promotion of organic products. Consumers may become skeptical of similar claims, reducing consumption and business revenue. Therefore, the first recommendation is to strengthen oversight by the Food and Drug Monitoring Agency (BPOM) through increased budget allocation and personnel training. Supplements to the Consumer Protection Law are needed to increase criminal penalties, such as increasing prison sentences for cases causing mass health harm. Third, consumer education campaigns in Bali, such as consumer rights workshops and online reporting applications, should be implemented to raise awareness.

From a business ethics perspective, the analysis shows that misleading practices are not only a legal violation but also an ethical one. In the Bake n Grind case, if proven guilty, the company could lose customers and face social boycotts. This discussion encourages businesses to adopt ethical standards, such as certification independent organic producers to avoid legal risks. Finally, these findings contribute to the consumer protection law literature, focusing on the healthy food sector in tourist areas. While the Consumer Protection Law is theoretically effective, the discussion emphasizes the need for harmonization with international regulations to address globalization. Further recommendations include empirical research on the impact of deceptive practices on the Balinese economy, which could complement this legal analysis. Thus, the Bake n Grind case not only protects individual consumers but also strengthens a fair and sustainable business ecosystem.

In a more in-depth context, this analysis reveals that Bake n Grind's misleading practices are not isolated cases, but rather part of a global trend in the food industry. In Bali, where the market for health products is booming with the influx of wellness tourists, false claims can pose a public health risk. For example, reported allergic reactions may be just the tip of the iceberg, as many consumers fail to report minor incidents. The discussion highlights the importance of preventative approaches, such as mandatory certification for health claims, which can reduce similar incidents. Furthermore, the Consumer Dispute Resolution Agency (BPSK) mechanism as a point of entry for dispute resolution has the advantage of efficiency but a shortcoming in enforcement. In the case of Bake n Grind, if a complaint is filed, the BPSK can compel the company to provide clarification or withdraw the product from the market.

However, without full enforcement authority, the outcome of mediation often depends on the willingness of the business actor. This discussion prompted amendments to the Consumer Protection Law to give the BPSK greater authority, such as the ability to impose direct fines. Criminal sanctions, while rare, are an important tool for serious cases. In the analysis, Article 62 of the Consumer Protection Law allows for prosecution if there is intent (mens rea) in providing false information. For Bake n Grind, if it is proven that false allergy

claims were deliberately made to attract health-sensitive consumers, prison sentences can be imposed. Comparison with cases in India, where food companies were fined and imprisoned for false "organic" claims, suggests that Indonesia needs to be more aggressive. The discussion suggests specific prosecutor training for consumer cases, so that prosecutions are not hampered by the complexity of the evidence. Further theoretical implications involve the evolution of law from legal positivism to responsive law, where regulations adapt to social changes. The Consumer Protection Law, passed in 1999, has demonstrated flexibility through judicial interpretation, but needs updating to encompass the digital age. In the *Bake n Grind* case, Instagram ads or websites could be considered misleading "information," expanding the scope of Article 8 of the Consumer Protection Law.

Practically, collaboration between relevant parties is essential. The Bali government could initiate a dialogue forum between the Food and Drug Monitoring Agency (BPOM), food business associations, and consumers to establish standards for health claims. Consumer education through schools and social media is also crucial, given that many tourists are unfamiliar with Indonesian regulations. The discussion emphasized that investing in technology, such as AI to monitor online advertising, could reduce the burden of manual oversight. Ultimately, these findings and discussion confirm that the *Bake n Grind* case is a test of the effectiveness of Indonesian consumer protection laws. With appropriate sanctions and strengthened mechanisms, misleading practices can be minimized, ensuring that claims about healthy products actually provide benefits, not harm. This research encourages academic and practical reflection on building a stronger system, where consumer rights are a top priority in the global economy.

CONCLUSION

This article analyzes the *Bake n Grind* case in Bali as a concrete example of misleading healthy product claims in the Indonesian food industry, where the business actor is suspected of repackaging products from other stores without any substantial changes, then labeling them with claims of "gluten free", "dairy free", "sugar free", and "vegan" that are not in accordance with the facts based on independent laboratory tests by consumers. This practice has been highlighted because it violates the provisions of Law Number 8 of 1999 concerning Consumer Protection (UUPK) which prohibits false information regarding product quality and labels, as well as Government Regulation Number 69 of 1999 concerning Food Labels and Advertisements which requires nutritional claims to be supported by scientific evidence, thus causing double losses for consumers in the form of financial, health such as serious allergic reactions in toddlers and adults, and the loss of public trust in the healthy food industry in the digital era.

From a legal perspective, this article highlights the weak law enforcement due to the lack of verification of claims by the Food and Drug Monitoring Agency (BPOM), low consumer awareness, and gaps in digital platform oversight. The article also discusses the legal sanctions that can be imposed on businesses such as *Bake n Grind*, including administrative sanctions imposed by the Consumer Dispute Resolution Agency (BPSK) as stipulated in Article 60 paragraph (1) and paragraph (2) of the Consumer Protection Law, civil sanctions in the form of cancellation of the sales and purchase agreement and demands for compensation as

stipulated in Article 1328 of the Civil Code, and criminal sanctions in the form of imprisonment and fines in the amount as stipulated in Article 62 of the Consumer Protection Law. In addition, there are additional penalties such as confiscation of goods, revocation of business licenses, and the obligation to withdraw products from circulation as an effort to further protect consumers. Although these sanctions are clearly regulated in the regulations, the article highlights the need to improve the effectiveness of their implementation and the amount of fines to be more proportional to the scale of losses experienced by consumers and the company's potential turnover.

From a business ethics perspective, the article emphasizes that misleading practices are not only a violation of the law but also a violation of moral values and honesty in marketing. In this case, Bake n Grind was deemed to have ignored the principles of honesty and business responsibility by exploiting consumer trust, potentially damaging the business's reputation. Therefore, businesses are encouraged to adopt independent certification and ethical standards to maintain consumer trust and avoid legal risks. This article recommends the need for updates to Law Number 8 of 1999 concerning Consumer Protection to encompass the digital era, collaboration between related parties, strengthening regulatory oversight by the Drug and Food Control Agency Food (BPOM), providing consumer education, especially in tourist areas, providing independent certification, and strengthening sanctions to create a deterrent effect, as well as harmonizing consumer protection standards with international regulations such as Codex Alimentarius. These steps are expected to prevent misleading claims, protect consumers from health and financial risks, and maintain a fair and sustainable business ecosystem in Indonesia.

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