

The Tooth Whitening Debate... The Legalities Explained.



Recent articles in the media regarding the legalities of teeth whitening and allegations of malpractice in beauty salons across the country have been causing unwarranted concern throughout the beauty industry. These articles are always published from a General Dental Council perspective, so as recognised market leaders of the cosmetic teeth whitening industry in the UK and Ireland, SmileQuest would like to set the record straight from the beauty industry perspective. Remember, teeth whitening is a cosmetic, not a dental procedure, so here are the facts:

Legal aspects of teeth whitening:

There are 3 aspects to consider when we look at the legal issues:-

1. IS TEETH WHITENING THE PRACTICE OF DENTISTRY?

Teeth whitening products were confirmed as being cosmetics on 28 June 2001 by the House of Lords ruling in the case of Optident Limited and another versus The Secretary of State for Trade and Industry. This means that they fall under the EU Cosmetics Directive (implemented in the UK by the UK Cosmetic Products (Safety) Regulations 1996).

The legal definition of a cosmetic product is:

“any substance or preparation intended for placing in contact with the various external part of the human body or with the teeth and mucous membranes of the oral cavity with a view exclusively or principally to cleaning them, perfuming them or protecting them in order to keep them in good condition, change their appearance or correct body odours”

SmileQuest commissioned the opinion of an expert in dental law who confirmed that there is no reason why a non dentist cannot perform a tooth whitening treatment provided that the treatments are performed within specific guidelines and that nothing is said or done that constitutes the practice of dentistry. All SmileQuest’s Smile Therapists have been professionally trained to perform the cosmetic procedure of teeth whitening under the supervision of SmileQuest’s team of dental experts in compliance with the strict guidelines detailed in the SmileQuest training programme devised by our company’s Dental Director, but they **never** practice dentistry.

2. ARE TOOTH WHITENING PRODUCTS ILLEGAL?

There are 2 main chemicals available that can safely and effectively whiten teeth, namely **hydrogen peroxide** and **chlorine dioxide**.

Hydrogen Peroxide

The same ruling referred to above i.e. the House of Lords ruling on 28 June 2001 in the case of Optident Limited and another versus The Secretary of State for Trade and Industry stated that a cosmetic product cannot release more than 0.1% Hydrogen Peroxide. On 15 March 2005 it was deemed safe by the European Commission’s

Scientific Committee on Consumer Products for a product to release up to 6% Hydrogen Peroxide although this has not yet been passed as law. It therefore remains illegal to whiten teeth using more than 0.1% Hydrogen Peroxide. However, on the assumption that this is set to change, SmileQuest will continue to train its practitioners in the use of hydrogen peroxide, using the legal strength and Chlorine Dioxide for teeth whitening.

Chlorine Dioxide

It is 100% legal to use chlorine dioxide to whiten teeth. SmileQuest's unique chlorine dioxide formula has been tested by a UK government laboratory and deemed safe.

The benefits of both of these chemicals will be covered in greater detail during your training.

3. HOW SAFE IS THE LAZER USED?

The SmileQuest lazer falls below the level required for registration with the Healthcare Commission and therefore no legal requirements exist here. Aside from legal issues, the matter of safety is of SmileQuest's paramount importance. Further safety information will be supplied at your training, but here are a few statements made on the subject by leading authorities.

"There is nothing illegal or unsafe about the technique of tooth whitening"
CHIEF DENTAL OFFICER MARCH 2000

"The safety profile of hydrogen peroxide in these products is well established. The incidence of adverse effects is very low."
UK DEPARTMENT OF HEALTH

"Hydrogen peroxide is widely used for consumer purposes, including hair bleaching, disinfection of eye contact lenses and disinfection of wounds and ulcers. Exposure to hydrogen peroxide from a tooth whitening product would be expected to have a positive effect on oral hygiene and it is effective in reducing the risk of gingivitis"
COLIPA 10 JANUARY 2005

"Any effects of hydrogen peroxide from the use of tooth whitening products, even over 6 months' continuous exposure are mild, transient, and involve only gingival irritation and tooth sensitivity both of which resolve within a few days after use of the product is stopped"
PROFESSORS PHILIP LARNEY, RUTH FREEMAN, MARTIN GROOTVELT, EDWARD LYNCH
CANTOX HEALTH SCIENCES INTERNATIONAL 25 JANUARY 2005

If you have any further questions regarding the legal aspects or other issues on teeth whitening please do not hesitate to contact SmileQuest on 0870 240 8661 or e-mail info@smile-quest.com