Off White

Common-sense tells us that if the procedure is safe, if patients would benefit from treatment and if the rest of the world is carrying it out — then surely someone at the DoH or DTI can cut through all the confusion and act in the interests of consumers?

This issue of the BDJ contains a paper on tooth whiteners based around the recent controversy over the legality of tooth bleaching. While the paper confirms the safety of this procedure, paradoxically it cannot help solve the difficulties that many dentists and patients find themselves in at the moment.

The story so far goes like this. Over the last few years the legal status of bleaching products has been unclear. The problem is that no-one knew whether tooth bleaching products (whether applied by the dentist or purchased over the counter) were considered medical devices or cosmetics.

We need to move back to around 1993 to understand how we have reached the current situation. Optident were distributing a tooth bleaching product (Opalescence). As soon as advertisements appeared in the dental press the Department of Health (DoH) and the Department of Trade and Industry (DTI) warned Optident that they were breaking the law by selling the product because they believed that Opalescence should be considered a cosmetic. If tooth bleaching products are cosmetics then the law currently states that oral hygiene products must not contain more than 0.1% hydrogen peroxide. Opalescence does contain more than 0.1% hydrogen peroxide and thus is technically illegal.

What happened next is described fully in the paper by Kelleher and Roe on page 190 in this issue of the *BDJ*. In summary, a legal case last year confirmed that Opalescence was a medical device (thus opening the door for tooth whitening in the UK) but an appeal against this decision has reversed the situation, creating the current confusion. The matter has now been appealed to the House of Lords. Thus, as of today, companies cannot supply hydrogen peroxide whiteners and dentists cannot use them, even in the dental surgery.

There are a number of paradoxes in this situation. First, tooth bleaching is carried out widely in Europe, the USA and many other countries. Second, as far as we know tooth bleaching is completely safe, and proven to be so. Third, patients who would benefit from some form of tooth whitening in the UK can only be treated currently using a more damaging restorative procedure (such as veneers, crowns or at the least abrasion).

The Education and Science Department of the BDA has produced a comprehensive briefing paper (available on the BDA website) which gives a full background to the situation. The BDA is lobbying on behalf of dentists to try and make some sense of the confusion as quickly as possible, but in the meantime must advise its members that the Association cannot condone unlawful acts, even though the ban prevents dentists from providing treatment in the best interests of patients.

Individual dentists can also lobby on behalf of their patients, and can make their views known by submitting letters to the dental press. The whole affair is farcical, and to a degree illustrates how easy it is to make a nonsense of matters. Common-sense tells us that if the procedure is safe, if patients would benefit from treatment and if the rest of the world is carrying it out — then surely someone at the DoH or DTI can cut through all the confusion and act in the interests of consumers? Up to now the battle seems to have been about rules, regulations and legal arguments rather than about doing what is best for the public. After all, if I had to choose between removal of tooth tissue or bleaching then I know which I would prefer.

But then, I suppose someone will say it is not that simple.

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