A clearer future for tooth whitening

Karen Coates¹ tells us about the latest developments surrounding the ever-evolving battle against illegal tooth whiteners

¹ Karen Coates is an Oral Health Advisor with independent charity, the British Dental Health Foundation. She has held this role since 2005, advising and guiding members of the public on such subjects such as dental terms and treatment procedures, oral hygiene, current UK legislation and regulations, NHS and private dental charges, complaints procedures, and referrals to other organisations.

She is currently Co-ordinator of the Tooth Whitening Information Action Group – a body comprising of members from BDHF, BDHS, BDCE, BADT, DADN and from a number of other dental bodies and organisations

When the European Council's directive on tooth whitening was released in October 2012, it clarified that tooth whitening could only be carried out under by or under the supervision of a dentist and that the supply of tooth whitening products containing more than 0.1% peroxide could only be to dentists. The announcement was welcomed and supported by a number of leading dental bodies, many of who would go on to found the Tooth Whitening Information Group (TWIG), a group formed to promote and ensure safe legal tooth whitening for the general public. A little over two years later, TWIG co-ordinator Karen Coates tells us

about the latest developments.

There has been plenty of bad press concerning the dental profession and tooth whitening, largely circulated by the illegal tooth whiteners and 'training' establishments. This is centred on their idea that tooth whitening is a simple, cosmetic treatment that anyone can undertake after a few hours training. There is also the ill-conceived perception that the dental profession just wants to keep this 'nice little earner' for themselves and the whole profession was just trying to stop the 'little guy' from earning a living and the concerns are not about public safety.

TWIG is made up of members of dental professional bodies and representatives from leading manufacturers (see boxes).

TOOTH WHITENING INFORMATION GROUP

Campaign for safe tooth whitening www.safetoothwhitening.org

Members

- British Dental Health Foundation
- British Dental Association
- British Society of Dental Hygiene & Therapy
- British Academy of Cosmetic Dentistry
- British Association of Dental Nurses
- British Dental Bleaching Society
- British Association of Dental Therapists

Representatives

- British Dental Industry Association
- Philips Oral Healthcare
- Henry Schein
- SDI
- Dentsply
- Voco
- Enlighten
- WY10

'FOLLOWING ON THE HIGH COURT RULING OF MAY 2013, ALL CONFUSION ABOUT WHO CAN PROVIDE TOOTH WHITENING HAS BEEN CLEARED UP'

The main aims of TWIG are:

- To protecting the public and provide information on how to achieve safe tooth whitening with effective and long-lasting results
- To support official bodies to prosecute unqualified people carrying out illegal tooth whitening, and companies that sell illegal and harmful products.

The problem

As the problem is two-fold, depending on whether the report is about a person or a product, this determines where I send the report onto. Following the High Court ruling of May 2013, all confusion about who can provide tooth whitening has been cleared-up. Tooth whitening has been ruled the act of dentistry, and as such cannot be provided by anyone other than a dentist or a dental hygienist on the prescription of a dentist. This makes it easier to identify potentially suspect products.

If the report is concerning a person suspected of providing illegal tooth whitening, I would initially try and find out a little more using the internet and social media. I will then send all of this to the General Dental Council (GDC).

Some beauticians that are using pre-filled trays claim that as they are not touching the client, this ruling does not apply to them, however by prescribing and administering the tray to the client, they are still deemed to be practicing dentistry, therefore it is still illegal.

The GDC will then out a warning letter explaining the law and asking the individual to stop their illegal practice. If they do not stop, more evidence is gathered and further legal action could result. We are seeing many more cases being brought by the GDC against people carrying out illegal tooth whitening.

The GDC have taken many cases to court over the last 12 months and have been successful in every case that has gone to court in regard to this problem.

Perhaps the most high-profile of these to date is the case involving beautician Caroline Sumpter. Ms Sumpter bought the Megawhite system at a beauty trade show and began to advertise tooth whitening as one of her services. She received a warning letter from the GDC about the legality of tooth whitening, so she requested a refund from Megawhite for the equipment and training that she cannot legally use. Megawhite refused, so Caroline took the company to the small claims court.

When the case was heard in October 2014, the Judge ruled that the procedure was not entirely self-administered as handing the product to a client and giving instructions on use, taking a 'before' and 'after' shade, handing the client goggles, placing the 'laser' device against the teeth and removing whitening tray after treatment where all hallmarks of dental practice and therefore falls within the 'practice of dentistry'. Ms Sumpter won her case and has subsequently received a full refund from Megawhite.

TWIG members were able to provide Caroline with invaluable information to help her put together her case.

Education

I have a certain sympathy with the beautician that have been unwittingly been 'sold' a tooth whitening course by an unscrupulous provider. It is the beautician/illegal provider who is not only risking their reputation but also the possibility of a criminal record and a fine, not the person who provided the so-called training or the products.

Therefore TWIG is committed to working with the beauty industry to educate non-qualified persons from parting with their hard-earned cash for a training course which could leave them open to prosecution. We also intending to put together a training package for schools and colleges providing beauty therapy training and we have been in contact with the main providers of this training, such as BTEC and City and Guilds. We feel that if we can educate the beauty therapists of the future they will not be conned into attending one of the very expensive so-called tooth whitening training courses.

It is amazing when you have a conversation with someone who is either thinking of or is providing illegal tooth whitening about the problems and effects that this so-called simple, 'cosmetic' procedure have not only for the person having the procedure, but also for the provider.

I speak to them about the importance of taking a full medical history and what implication not doing so could have. I recall a member of the public who contacted the British Dental Health Foundation's Dental Helpline following a tooth whitening procedure at her local hairdressers. She is a type-1 diabetic which was not noted as no medical history questions were asked in her consultation. The provider then proceeded to over-fill the non-custom made tray, using a chemical (which is unknown) liberally applied during the treatment causing chemical burns to her gums and lips. Obviously with her history of type-1 diabetes, she was slow

to heal, leaving her in discomfort for several weeks.

When I discuss the issue of cross infection and HTM 01-05, it genuinely seems that this has never crossed their minds that not only could they pass infection to their client, but possibly worse, the client could pass infection to them! By the time I get to hepatitis B vaccinations they are usually hanging up their 'laser' lamp and ditching the 'high quality' non-peroxide, whitening gel!

Suspect products can be reported to the local Trading Standards office of where the company supplying the product is trading. As the majority of the suppliers are based overseas, they are not in the jurisdiction of Trading Standards. On the website www.safetoothwhitening.org there is a clip from the BBC television programme, *Fake Britain*, where one UK based supplier was eventually brought to justice.

This supply of counterfeit products is also a problem for many of the legitimate

only can their efficacy not be guaranteed, the very high percentage of hydrogen peroxide is potentially harmful to the teeth and gums.

If we can provide this information and the warnings about these illegal products perhaps we can reduce the demand and protect the public this way. To this end we are preparing articles for the 'lifestyle' type magazines, explaining about how to safely improve the appearance of your teeth and the laws surrounding tooth whitening.

'TWIG REMAINS COMMITTED TO PUTTING A STOP

TO ILLEGAL TOOTH WHITENING AND THE

SUPPLY OF ILLEGAL TOOTH WHITENING PRODUCTS'

Suspect products

Anyone who has ever looked online for tooth whitening products will be met with array of products, the majority claiming to meet the European legislation and containing 0.1% hydrogen peroxide, which unbeknown to the user will not have any effect on the natural colour of the teeth and at best may remove staining on the teeth. However there are lots of products which are available to the public which contain significant levels of hydrogen peroxide and carbamide peroxide over the legal limit.

manufacturers of tooth whitening products. There are many of the largest manufacturer's products available to purchase over the internet, and as the supply chain is extremely difficult to trace, there is no guarantee that these products are the genuine article or a fake. They could therefore be detrimental to the health of the teeth and gums and also damage the reputation of the manufacturer.

As the laws on tooth whitening differ outside of Europe, tooth whitening products which contain over the UK legal limit of 0.1% are often obtained by the wholesale suppliers from an outside Europe source to sell to the UK market via the internet. Controlling these is akin to herding cats – as soon as one website is closed down, another is opened and so on.

So again, we are look towards educating the public through the profession of purchasing non-verifiable products over the internet not

The future

TWIG will continue to work away and in the coming year, funding permitting these are the areas that we are looking to pursue.

- We are looking to test suspect produces which we can then pass onto Trading Standards which, hopefully will lead to prosecution and removal of this product from sale
- Produce 'Infobites' on tooth whitening to explain how to safely and legally whiten your teeth
- Continue to work with the beauty industry, schools and colleges to educate beauty therapists of the implications of illegal tooth whitening
- Continue to liaise with the GDC and Trading Standards by collating report forms from the website.

- Attend dental exhibitions to inform the dental profession of the progress so far and how we intend to move forward.

TWIG remains committed to putting a stop to illegal tooth whitening and the supply of illegal tooth whitening products.

On the website, www.safetoothwhitening.org you can sign up as a supporter of the campaign. By signing up as a supporter this will allow us to send you regular updates on how the campaign is moving forward. With more and more people seeking to exploit loopholes, your support is more valuable than ever.

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