

>From Dental Protection's website [www.dentalprotection.org](http://www.dentalprotection.org)  
020206:

Dental Protection advises that notwithstanding the current legal situation which suggests that the supply of these products is illegal, dentists should take into account what is in the best interests of their patients. When a decision is made to use any bleaching technique, it should be fully discussed with the patient. The patient should be aware of the risks and benefits, balancing the question mark over the legality of supply of these products with the risks to the patient of the removal of healthy tooth structure if alternative treatments are used. Comprehensive clinical records should be taken of the consent process.

>From DDU website [www.the-ddu.com](http://www.the-ddu.com) 020206:

More recently, in July 2004, the Local Authorities Coordinators of Regulatory Services (LACORS), the organisation which provides advice and guidance to local authority trading standards officers, who effectively 'police' the regulations, said:

"Until (the) point when an agreed limit is proposed, adopted and endorsed by the (European) Commission and this is then enacted into UK legislation under the Cosmetic Products (Safety) Regulations, advice from DTI and LACORS is that enforcement action should be low key and 'laissez faire'. The problem is accepted and yet it will take some time to resolve. Could all authorities note this and treat 'breaches' accordingly."

However, as the law stands, there remains a risk that individual dentists providing tooth whitening services could be prosecuted for the illegal supply of the products, if trading standards officers choose to do so.

>From Dental Law Partnership, who are dually-qualified as Dentists and Lawyers and represent patients in Dental claims:

They stated (David Coreless Smith) that they do not take cases based just on delivering Toothwhitening concentrations > 0.1% H2O2,

but do/have done successfully on the following:

1. Failure to offer Toothwhitening as an alternative in Cosmetic cases, where this option was a possibility
2. Burns caused by inadequate gingival and soft tissue protection
3. The patient not being satisfied with the outcome of Toothwhitening

The GDC state in their Spring 2005 Gazette ,"

The present situation is very unsatisfactory for patients and practitioners. The GDC cannot offer immunity from prosecution by Trading Standards officers, and in relation to GDC procedures we would deal fully with complaints received from patients and with any reports of convictions.

We can confirm that in the absence of a conviction we would not initiate disciplinary action solely on the basis that a product was used which contravened the Cosmetic Regulations.

On the other hand, if the use of a particular product went beyond that, to raise an issue of professional standards or conduct, the GDC could and would investigate that thoroughly.