Tooth whitening update, better late than never

Neel Kothari looks at the situation around whitening


Prior to this time the majority of the profession carried out tooth whitening procedures in breach of the law; in the absence of any political will to enforce it a messy situation ensued. The problem was that despite its illegality, tooth whitening was a treatment which in many cases offered a cheaper, less damaging and less risky approach to improving patients’ smiles compared with conventionally carrying out veneers or crowns.

However the current amendment completely changes this. The vast majority of tooth whitening procedures can now comfortably be carried out with concentrations of six per cent or less Hydrogen Peroxide, rendering the need to use greater concentrations almost obsolete. Accordingly, it is now incredibly difficult for dentists to provide a clinical justification to break the law.

The regulations set out that products containing or releasing up to six per cent hydrogen peroxide can be used, subject to the following conditions:

• It is only to be sold to dental practitioners
• For each cycle of use, the first use is to be by a dental practitioner, or under their direct supervision, if an equivalent level of safety can be ensured
• After the first cycle of use, the product may be provided by the dental practitioner to the consumer to complete the cycle or use
• It is not to be used on a person under 18 years of age

The GDC position statement on tooth whitening further expands on this legislation stating that if they receive information or a complaint that a registrant is using a product for cosmetic purposes in excess of six per cent they may face fitness to practise proceedings and can expect to have the matter referred to the relevant trading standards department.

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also states ‘the six per cent hydrogen peroxide limit applies to any compound whether used externally or internally e.g. on a root-canal treated tooth’ and that ‘it remains illegal to use tooth bleaching compounds containing or releasing more than six per cent hydrogen peroxide’.

Dental Protection also states that ‘the use of products containing or releasing more than six per cent hydrogen peroxide is a breach of the Regulations’ and ‘members may consider, for example, the extensive published evidence that products containing or releasing more than six per cent hydrogen peroxide may lead to a higher incidence of side effects including sensitivity, which in turn are respon-

meant to work in practice, so if I ever find out I will do my best to update you on this position. Alternatively if there is anyone out there who knows please email me at neel@saw-studentdentist.com.

In what may seem as a somewhat contradictory position The Department of Business, Innovation & Skills (BIS), who oversee consumer safety and trading standards, have advised that the Consumer Protection Act 1987 and the cosmetic Products (Safety) (Amendment) Regulations 2012 do not cover the final ‘use’ of the product, therefore these specific regulations do not prevent the direct application of any whitening product of any concentration to the teeth.

This suggests that it is not illegal under these regulations for anyone to apply whitening products of any strength directly to the teeth of patients, however it is difficult to see how this can work if dentists are restricted from purchasing HP products over six per cent and are not supported by their dental defence unions.

Essentially, the need to use stronger concentration whitening products has always been debatable given that similar results can easily be achieved using ‘weak’ or ‘strong’ products. Those advocates of ‘power whitening’ may ultimately feel disheartened by the ruling, however really have no choice but to abide by it. Over the past year I personally noticed seemingly excellent deals in a number of power whitening lamps – I am now extremely glad that I wasn’t tempted to buy one.