

# Tooth whitening is the practice of dentistry

One of the serious issues in the tooth whitening controversy is that, although tooth whitening is the practice of dentistry, it was not legal precedent until last month when it went to the High Court on appeal. The GDC, who is committed to use its power to prosecute people who offer tooth whitening unlawfully, appealed a decision made in Westminster Magistrates Court.

The dental profession welcomes the decision that accepts that tooth whitening has been legally accepted as the practice of dentistry. The High Court made the landmark ruling by convicting Lorna Jamous of practising dentistry illegally. The High Court held that:

1. Tooth whitening is a treatment 'usually' performed by dentists and therefore constituted the practice of dentistry under the Dentists Act 1984. Consequently, a person not qualified as a dentist should be prohibited from providing such treatment.

2. As tooth whitening constituted the practice of dentistry, a non-dentist was therefore prohibited from providing it by section 38 and section 41 of the Dentists Act 1984

3. The general public had to be protected from receiving treatment from those not qualified to give it. It was not relevant whether it could also be performed in a domestic context. When a parent brushed a child's teeth, he or she was not providing treatment to the child and was not practising a profession.

## Background to the case

The case concerned Lorna Jamous, a beauty therapist who pleaded not guilty to the offence of practising dentistry whilst not registered with the GDC. Westminster Magistrate Court had previously acquitted Lorna Jamous and the case went to appeal. The High Court convicted Lorna Jamous of practising dentistry whilst not registered with the GDC. The case has now been

remitted to Westminster Magistrates Court for sentencing at a date to be determined (the news release can be found on page 8).

The GDC is primarily concerned with the risk to the public posed by such potentially hazardous treatment being provided by people without the training and qualifications necessary for registration as a dental professional.

## What will the future hold for tooth whitening in the UK?

Now that clearer precedents are set, it should deter non-dentists from practising dentistry illegally. Patients and members of the general public should only go to their dentist (and the trained hygienists and dental therapists) to have tooth whitening undertaken properly, safely, efficiently, and with the scientific research behind the products that are used to show that tooth whitening is a safe and effective treatment for patients.

There is a concern about the products that the non-dentists are using as there is insufficient published scientific research to demonstrate that the products that the non-dentists are using are safe. Whilst some of these practitioners have used high strength hydrogen peroxide materials, it is common practice amongst these practitioners to use sodium perborate with the mistaken belief that this product does not contain hydrogen peroxide. This is not true. Sodium perborate breaks down and releases hydrogen peroxide. The prospect of banning sodium perborate is currently being looked at. ([http://ec.europa.eu/health/scientific\\_committees/consumer\\_safety/docs/scs\\_o\\_031](http://ec.europa.eu/health/scientific_committees/consumer_safety/docs/scs_o_031)).

The Scientific Committee in Europe (SCCS) has recommended that the general restrictions applicable to hydrogen peroxide releasing substances should apply to sodium perborate and perboric acid. The SCCS is of the opinion that sodium perborate and perboric acid can



be considered as 'hydrogen peroxide' releasing substances and thus are covered by the entries 12 of Annex III, of the Cosmetics Directive 76/768/EEC.

The general public has to be protected against the illegal practice of dentistry. We are grateful to the GDC for appealing this ruling and moving forward on safe and predictable tooth whitening for the general public. Only GDC registered dentists and dental hygienists and dental therapists (working to the prescription of a dentist) can carry out tooth whitening.

This month we have selected excellent articles for you to read from the best clinical authors presenting the latest cutting edge techniques in aesthetic dentistry. We look forward to receiving your feedback.

With best wishes,

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## References

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4. <http://ec.europa.eu/health/opinions/en/tooth-whiteners/1-3/3-home-tooth-whitening-dentist.htm>



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