



The practice of providing teeth whitening products and services **does not** constitute an act of dentistry as defined under the Dentists Act 1984. If it were, high street providers such as Boots and Superdrug would be in the press every week! What is prohibited is providing dental advice, services or passing yourself off as a dental practitioner. **You must never offer dentistry, consultation or advice on attendance if you are not a dentist.**

It is your responsibility to provide your services in accordance with the laws and regulations of your country of residence. Below are some facts about the legalities of providing teeth whitening services and products.

Legalities

Council Directive 76/768/EEC of 1976-07-27 defines a “cosmetic product” as “any substance or preparation intended for placing in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or principally to cleaning them, perfuming the or protecting them or protecting them in order to keep them in good condition, change their appearance or correct body odours”. (Art. 1.1)

On 31 October 2012, the EU Council Directive 2011/84/EU (amending EU Council Directive 76/768EEC) came into force in the UK. It sets out who can use what strength of product when carrying out tooth whitening.

In the UK the changes were brought into force by the European Communities (Cosmetic Products) Regulations 2004 to 2013 (“the regulation”) Products containing

or releasing less than 0.1% of hydrogen peroxide, including mouth rinse, toothpaste, tooth whitening or bleaching products are safe and will continue to be freely available on the market. Tooth whitening products containing or releasing between 0.1% and 6% hydrogen peroxide can ONLY be sold to dental practitioners. The GDC does not bring criminal prosecutions or breaches of the regulation as this role is undertaken by Trading Standards. The Dentist Act 1984 makes it illegal to hold yourself out to be a dental professional unless you are registered with the General Dental Council.

There have been individuals prosecuted who provide teeth whitening services. These individuals have failed to adhere to the terms and conditions of their service and/or product supplier. They have offered services which are indeed an act of dentistry and therefore, rightly have been prosecuted. Our training is very specific in what you are permitted and what you are not permitted to do. Providing that you adhere to these guidelines, you are perfectly entitled and legally able to provide teeth whitening services.

We at Mature White have spent a lot of time, effort and a great deal of our own money in consultation with various experts to fully qualify this position so that it gives you, our customer peace of mind that what you are investing in and practicing is safe, legal and compliant. To this day, we are the only provider in the UK that can provide you with a definitive legal decision on the position:

We engaged the services of the leading UK legal firm Brabners, a firm who have worked with the GDC, GMC, and countless insurance companies for a number of years and who are ideally placed to provide us and you with a resolute legal position.

We provide their guidance below for you. A copy of the original can be made available to you upon request.

10 June 2020

The position is straightforward, namely that it is not illegal to sell or use the products offered by Mature White as directed. The products offered for sale by you are self-administered and if used in the intended way then no issues should arise.

We are aware that the GDC appear to be misstating the position at the moment in that they are giving the firm impression that any tooth whitening not carried out by a dentist is illegal. That is clearly incorrect, otherwise Boots, Superdrug, Tesco's and other major retailers would be breaking the law in selling teeth whitening kits as they currently do in great numbers.

The issue is more subtle than the GDC make out but that is not surprising as the GDC has a vested interest trying to ensure that only dentists carry out tooth whitening. Indeed we consider that the GDC is acting far out with the scope of its duties as a regulator in relation to this whole matter. By attempting to limit tooth whitening of the type you provide solely to dentists, one might consider that the GDC is engaging in anticompetitive protectionism of those who are on its register which is certainly not the function of a regulator.

The kits offered by you are to be self-administered by the customer in the salon and that is not illegal. What is illegal is for your customers to practice dentistry and that is why they must be very careful to follow the instructions and training given by you so that they do not stray into this area when providing teeth whitening kits to customers. (Examples of providing the service of dentistry would be your clients putting their hands in the customers mouths, offering advice, discussing diet and smoking and so on, but that is all contained within your training and literature).

Your products are fully compliant with the relevant EU Directive in respect of teeth whitening products (EU Dir 2011/84/EU) and there is nothing in the Dentists Act 1984 prohibiting use of the products that you sell.

We trust this addresses any concerns that you may have in terms of the legalities behind using any of the Mature White products as directed.

Mature White