

Tooth Whitening and Doctors

GMC Registered Doctors and Tooth Whitening Law

The logo for Doctors Defence Service is a green-bordered square containing the text "Doctors Defence Service" in a bold, green, sans-serif font, arranged in three lines.

Doctors
Defence
Service

A number of doctors have undergone training in **tooth whitening**, provided by commercial companies in the UK, and then gone on to provide tooth whitening services to members of the public, as part of a package of cosmetic treatments.

Yet if a doctor is not registered with the General Dental Council (GDC), they will likely be acting illegally if they have undertaken tooth whitening procedures on members of the public. Advertising such services might also attract criticism and censure. The GMC also has the power to bring misconduct proceedings against doctors who break the law.

It is not clear why commercial companies sell tooth whitening training and equipment to doctors who are legally unable to perform tooth whitening is a good question, and one wonders whether the industry is being open with its doctor clients about the legal position.

There are reports that an individual in the UK who felt misled by a company, who provided her with tooth whitening equipment, obtained a refund after she discovered that the practice of tooth whitening was illegal for non-dentists to perform. Read, by way of example, about the civil claim brought by Ms Sumpter against a commercial company that sold her tooth whitening products, in which she was successful in recovering the costs of the purchase: [Article in the Dental Tribune \(October 2014\)](#)



In short the UK legal position is as follows: only practitioners registered with the GDC, such as dentists, dental therapists, dental hygienists and clinical dental technicians, working to the prescription of a dentist, can perform tooth whitening, because it is a reserved activity within the practice of dentistry. The case of [GDC -v- Jamous \[2013\] EWHC 1428 \(Admin\)](#) sets out the opinion of the court that teeth whitening is indeed the practice of dentistry.

The GDC in its July 2016 policy statement asserted:

'The GDC's position remains unchanged in relation to non-registrants providing tooth whitening. Where an individual is not registered with the GDC they are not entitled to provide tooth whitening as tooth whitening falls within the definitions of practice of dentistry under sections 37 and 38 of the Dentists Act. The GDC will continue to prosecute individuals who carry out tooth whitening illegally under the Dentists Act 1984.'

'The law surrounding tooth whitening remains unchanged and it is illegal for tooth whitening products which contain more than 6% hydrogen peroxide or for any associated products which release greater than 6% hydrogen peroxide to be supplied or administered for cosmetic purposes.'

'In addition, the new regulations continue to state that tooth whitening products containing or releasing between 0.1%-6% hydrogen peroxide should not be made directly available to the consumer, other than through treatment by a registered dentist (or dental hygienist or dental therapist or clinical dental technicians working to a dentist's prescription). Breach of these regulations is a criminal offence. The GDC does not enforce the law around the Directive, as this is the responsibility of Trading Standards and the Health and Safety

Executive. Should the GDC receive information concerning the supply or use of a product, we will refer this information on to Trading Standards.' (Source: [General Dental Council Position Statement on Tooth Whitening \(2016\)](#))

For further information on the GDC's position on tooth whitening and its regulation, visit their webpage on the subject: [GDC and Tooth Whitening Law](#)

Read also about trading standards prosecutions of lay people who have provided teeth whitening products to members of the public: [Trading Standards \(2016\)](#)

The General Medical Council (GMC) can bring [misconduct proceedings](#) against doctors who practise illegal **tooth whitening**. A GMC registered doctor who is not also registered with the GDC is not able to undertake tooth whitening.

If you would like legal advice in relation to a teeth whitening related matter, gives us a call in strict confidence on 0800 10 88 739