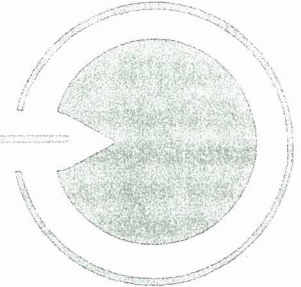


BIO-PROBE

NEWSLETTER



Volume 6

July 1990

Issue 4

"SILVER AMALGAM FILLINGS" - A VIOLATION OF THE FTC ACT!!

A recent edition of the ADA News (4 June 1990. Pg. 10) told of a New York dentist whose license was REVOKED (not just temporarily suspended) for removing amalgam fillings from a patient who had so requested. This is ominous news, indeed! State Dental Boards have attacked anti-amalgam dentists in numerous other states; including California, Florida, Utah, Colorado, Arizona, Montana, Iowa, Michigan, and Missouri. Some dentists have already had their licenses suspended; others are under attack at this very moment.

It is obvious that the pro-amalgam dental establishment, sadly lacking scientific support for its position, has elected to fully utilize its only weapon - political power. This approach simply cannot be ignored any longer. It has too great an effect on the lives and livelihoods of conscientious anti-amalgam dentists and on the public health.

There are steps that can be taken without encountering the expense of long, drawn out legal proceedings. Since the pro-amalgam dental leadership insists on utilizing the vicious tactics of license suspension and revocation, we should now counter with an even greater weapon - THE TRUTH!

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The pro-amalgam forces have been hiding behind a semantic cover-up for far too long. The use of the terms "silver fillings", "amalgam fillings", or "silver amalgam fillings" is a shameful attempt to conceal vital information from the public. By failing to include the word "mercury" in the representation of these fillings to the public, patients are denied information that could well influence their decision in the acceptance of these fillings. Furthermore, it has now been clearly proven that patients provided with these fillings will experience chronic exposure to mercury, a highly poisonous element with no established toxic threshold. If these fillings are represented publicly with the omission of the word "mercury", it is clearly in violation of the United States Federal Trade Commission Act and probably even the Dental Practice Act in most if not all of the states.

We can thank the pro-amalgam establishment for opening the door to the following knowledge. Recently, the Dental Board in one state attacked a dentist for advertising "mercury-free dentistry" in the telephone yellow pages. The dentist contacted the Federal Trade Commission and received a ruling that his

advertisement was not deceptive or in violation of the FTC Act. The phrase "mercury-free dentistry" was a statement of fact. As long as he did not utilize mercury in his practice, the statement merely informs the consumer of this limitation and is accordingly not deceptive.

The FTC went on to explain their evaluation of deceptive advertising. They focus on the content of the ad and its likely effect on the consumer. This entails: 1) whether the ad contains a representation or an omission of important qualifying information necessary to prevent a representation from being misleading; 2) the representation or omission is likely to mislead consumers acting reasonably in the circumstances; and 3) the representation or omission is "material" - one that concerns information important to consumers and is likely to affect their conduct or purchasing decisions.

There is no doubt that the omission of the word "mercury" in the representation of amalgam fillings to the public fulfills all three of the FTC requirements. FTC procedures for deceptive advertising are initially directed to merely correction of the deception. Offenders are fined only if they refuse to comply with the FTC directive.

Patients have the right to know that silver amalgam fillings are predominantly mercury. They also have the right to know that acceptance of these fillings will result in chronic exposure to mercury, throughout the lifetime of the fillings. Deliberately withholding this information from the public is a shameful blight on the dental profession and a travesty to professional ethics.

If public advertisements for amalgam fillings that omit the word "mercury" were reported to the Federal Trade Commission it would result in the cessation of this deliberate misrepresentation. The location of regional FTC offices may be obtained from the blue pages of the telephone directory by calling "general information" in the U.S. Government section.

This interesting information prompted us to look further into this issue. We obtained a copy of the Dental Practice Act in our state and reviewed the section on advertising. The Act contains the following wording: "As used in the rule of this Board, the terms 'advertisement' and 'advertising' shall mean any statements, oral or written, disseminated to or before the public or any portion thereof with the intent of furthering the purpose, either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to enter any obligation relating to such professional services." The Act also states: "No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which: (h) Contains other representations or implications that in reasonable probability will cause an ordinary prudent person to misunderstand or to be deceived."

According to this wording, any communication by dentists to patients or acquaintances (a portion thereof the public) would fall under the purview of the Dental Practice Act, if not the FTC Act. Once again, the intention should not be to punish dentists who use amalgam, but to ensure that information that could have a potential health effect is not illegally withheld from patients.

CLEARING THE AIR ON SWEDEN

It would seem that it is necessary to once again portray the accurate situation regarding dental amalgam in Sweden. A great deal of misinformation has been circulating. Sweden has NOT banned the use of dental amalgam - at least not yet! KEMI (the Chemical Inspection Agency of the Swedish government) has declared that it will ban all mercury products, including dental amalgam. The reason for this action is the effect of mercury on the environment. KEMI is now preparing a timetable for banning mercury, along with several other dangerous chemicals, which it hoped to present to the Swedish government by 1 July 1990 (no word yet on this from Sweden).

The Environmental Safety Agency of the Swedish government has joined KEMI in calling for a ban on the use of amalgam. So have several political parties in the Swedish Parliament. The new Director of the