

Awareness for Gibraltar Consumers:

➤ Invasive Aesthetic Services

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1. Introduction

As part of its 2023 Consumer Awareness Program, the Office of Fair Trading (**OFT**) is releasing guidance and practical information to raise awareness among local consumers regarding invasive aesthetic services.

In recent years, there has been a substantial increase in the popularity and variety of non-surgical, albeit invasive, aesthetic procedures being performed. Concerns have been raised with the OFT, including by the Director of Public Health, about the training, experience and/or capabilities of persons administering these procedures and the lack of an appropriate set up by establishments offering these services.

2. Consumer harm concerns

The OFT's main consumer protection concerns in relation to invasive aesthetic services are:

- a. **Physical consumer harm** as result of the inappropriately administered procedures, including:
 - i. significant physical harm leading to hospitalisation;
 - ii. disfigurement;
 - iii. long term effects of these procedures;
 - iv. lack of post-procedure care; and
 - v. lack of adequate standards at establishments offering these services, e.g. clinical governance.
- b. **Misleading advertising**, including:
 - i. inflated claims about the procedures and their outcomes;
 - ii. misleading claims about the qualifications, training and/or experience of those administering the procedures;
- c. **Financial consumer harm** in light of the high cost of some of these procedures, including:
 - i. whether consumers are receiving the treatments they are paying for;
 - ii. the potential expense of rectifying any adverse effects;
 - iii. recurring expenses from necessary follow up treatments; and
 - iv. lack of insurance to cover any adverse effects.

3. Understanding Invasive Aesthetic Treatments

An invasive aesthetic service refers to any procedure that breaks the skin. In the context of aesthetic procedures, this may range from implants to less invasive procedures involving minor incisions on the body. Some examples of invasive aesthetic procedures include:

- Botox injections;
- Dermal Fillers;
- Chemical peels;
- Thread lifts;

- Semi-permanent makeup;
- Laser treatments;
- Piercings; and
- Tattoos.

Plastic surgery procedures, also referred to as aesthetic surgery, are interventions aimed at enhancing or altering one's appearance. Some examples of these are:

- Abdominoplasty (tummy tuck);
- Breast augmentation (breast increase);
- Breast reduction;
- Eyelid surgery;
- Rhinoplasty (nose reshaping);
- Facelifts; and
- Liposuction.

4. Key considerations before undertaking Aesthetic Treatments

Before considering the use of aesthetic services from a provider, take time to reflect and conduct research. Compile a list of all your concerns to discuss with your provider, and keep the following points in mind before your consultation:

- a. **Personalised treatment plan.** What may have worked for friends or family might not be suitable for your particular situation.
- b. **Maintain realistic expectations.** No aesthetic treatment offers permanent results. Achieving desired outcomes often requires multiple products and / or sessions. Some aspects may only be addressed through surgical intervention.
- c. **Consider your lifestyle factors.** Dynamics such as intense exercise routines or smoking can affect results. High-impact exercises like HIIT can affect the longevity of dermal fillers due to an increased metabolic rate.
- d. **Budget considerations.** Aesthetic treatments come at a cost. Keep in mind that results can vary and many services require ongoing maintenance for sustained effects.
- e. **Engage in comprehensive discussions.** Your provider should be able to address all your questions and concerns.
- f. **Educate yourself.** Prior to any new treatment, conduct thorough research. Valuable information about the products can be found on the manufacturers' websites.
- g. **Invasive Beauty/Lifestyle Treatment FAQ's:** Check out the document issued by Public Health Gibraltar: <https://www.gha.gi/public-health/invasive-beauty-treatments/>

5. Potential Risks and side effects

Incorrectly, conducted non-surgical aesthetic procedures can result in serious harm if not administered in a safe environment by competent practitioners. As well as affecting a recipient's physical health, procedures that have gone wrong can also affect recipient's mental health.

It is essential to be aware of these risks and discuss them with your provider:

- a. **Infection Control:** Without proper infection control, procedures that puncture the skin carry the risk of transmitting blood-borne viruses.
- b. **Scarring & Allergic Reactions:** A professional practitioner will always explain the risks associated with the procedure and whenever possible, conduct a patch test to see how you might react to the procedure.

See the Director of Public Health's press release on the subject:

<https://www.gibraltar.gov.gi/press-releases/public-health-awareness-campaign-for-beauty-and-lifestyle-treatments-7192023-9315>

Benefits and desired outcomes

Aesthetic treatments can provide positive changes in appearance, but outcomes may vary. New treatments can quickly gain popularity due to fashion trends, celebrity recommendations, and online influencers. Realistic expectations are crucial for a satisfying experience.

6. **Choosing a professional provider**

When choosing a local aesthetic provider, undertake comprehensive research. Beyond online sources and reviews, seek recommendations from friends or family. Ask your provider for before and after pictures. Remember that your aesthetic injector must be registered with the OFT.

a. **The importance of an OFT registered provider:**

Selecting a licensed, adequately trained and experienced provider is paramount. Even less invasive procedures such as fillers and neuromodulators like Botox and Dysport, can pose risks if administered by an unregistered provider.

b. **The Aesthetic service provider should:**

- i. Make you feel comfortable and at ease;
- ii. Explain the procedures easily and answer all of your questions;
- iii. Disclose the full risks and benefits of the proposed procedure;
- iv. Offer you the opportunity to voice any concerns you may have;
- v. Explain the follow-up consultations, treatments and care instructions you may need; and
- vi. Be in possession of a business licence by OFT License to offer Invasive aesthetic and beauty services not regulated by the Medical and Health Act (service category 19C).

You can check whether your service provider is licenced with the OFT by using our online register: <https://www.oft.gov.gi/business-license-register-search>

7. Informed Consent

Informed consent involves understanding the treatment, potential risks, and alternatives. Your provider should provide comprehensive information before you proceed.

- a. **What Information Should Be Included:** You should receive detailed information about the procedure, expected outcomes, potential complications, and any applicable pre and post-treatment care instructions. You should be well informed of any warning signs to look out for post procedure and what to do in these circumstances.
- b. **Understanding the procedure and risks:** A thorough consultation with your provider is crucial. Discuss your medical history, allergies, and medications to ensure safe treatment planning.

8. What to do when something goes wrong?

If you have:

- a. been offered an invasive aesthetic service that you have not been comfortable with; and/or
- b. been provided an invasive aesthetic service that you are not happy with,

you can make a complaint to the OFT. The OFT will use the complaint to determine if there are business practices that may harm consumers, and this may lead to an investigation.

9. OFT Investigations

Based on information from complaints and other information at its disposal, the OFT shall determine if there are business practices that may harm consumers. Based on the findings this can lead to:

- a. appropriate enforcement action taken against the business;
- b. appropriate enforcement measures taken to prevent those, or similar, business practices in the future; and/or
- c. the OFT may be able to assist the complainant and the business reaching an agreed settlement. It should be noted however that while an OFT investigation may lead to redress for the consumer, this is not guaranteed.

10. Legal Action

Legal action can be pursued through courts to seek compensation for losses and damages. However, this can be costly and outcomes are not guaranteed. Adequate evidence is crucial for any legal claim's viability. Claims under £10,000 can be made via the Small Claims Court, although professional legal guidance is advised. Mediation may be a suitable and more cost-effective alternative to resolving a dispute with a business before resorting to the court system.

11. Contact us

We hope the above information proves helpful. If you have any questions, encounter any problems, or believe that we have omitted important details from this guidance, please reach out to the OFT's Consumer Protection Team.



- ✓ Email: consumer.protection@gibraltar.gov.gi
- ✓ Tel: +350 20071700
- ✓ WhatsApp: +350 56002998

12. Consumer Guidance

For the latest consumer guidance:

- visit our website www.oft.gov.gi
- or follow our social media accounts:



Facebook - OFT Gibraltar



Instagram - @OFTgib



X (Twitter) - @OFTGib

13. Legal notice

The information provided in this document is intended as guidance and awareness for consumers in Gibraltar. It is for educational purposes only and should not therefore be considered, or relied upon, as legal advice.

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