



Centers for Disease Control
Atlanta GA 30333

Refer: FL-122
July 1983

FLUORIDATION TRIAL DECISION IN SCOTLAND

In October 1978 the Strathclyde Regional Council (authority) in Glasgow, Scotland, decided to add fluoride to the water supply to reduce the incidence of dental caries. Mrs. Catherine McColl sought to prevent the council from implementing their decision on the grounds that: (1) It is beyond the powers of the authority; (2) there would be a breach of the statute imposing a duty to provide a supply of wholesome water for domestic purpose; (3) it is unlawful because the authority would be supplying a medicinal product for a medicinal purpose without a license; and (4) fluoride is a known toxic substance and might be harmful to consumers.

After hearing evidence for a total of 204 court days in a case which began in September 1980 and has cost the taxpayers an estimated \$2 million, Lord Jauncey stated that fluoridation is beneficial to teeth and not detrimental to health. He did reverse the decision to fluoridate but only because it is beyond the powers of the authority to do so. The other three arguments stated by Mrs. McColl were not upheld in court. The case was reported to be the longest and most expensive ever to come before a Scottish court. The deputy leader of the Strathclyde Regional Council, Councillor Charles Gray, is confident that fluoride will be added to Scotland's water supplies in the near future because the legal technicality preventing its use will be changed by legislation.

Evidence given by opponents of fluoridation was reported to be extreme and "indicative of sensationalism rather than scientific accuracy." Lord Jauncey said evidence given on excess cancer deaths in the U.S. because of water fluoridation was "vague and unimpressive."

The following are excerpts from the Glasgow Herald which were published on June 29 and 30, 1983:

"The council has won all the major legal and medical arguments in the case but one--Lord Jauncey has decided that the region would exceed its legal powers by adding fluoride to the water."

"The judgment had found that fluoridation benefited teeth and was not harmful; would be likely to reduce considerably the incidence of tooth decay; and there was no biochemical or statistical evidence that (it) caused or accelerated cancer."

"Councillor Charles Gray, deputy leader of the council, said the court ruling had worldwide implications. They would seek ways immediately of implementing fluoridation."

"It was the most definitive decision so far in the world in favor of fluoride as a safe substance. He (Gray) was disappointed that the court had ruled that the water legislation did not cover the addition of fluoride but he was pleased it had been vindicated as 'completely harmless'."

"Lord Jauncey has banned Strathclyde Region from implementing its decision to fluoridate the water supply on the grounds that this would exceed its statutory powers; but he is unequivocal in his finding that fluoridation is beneficial to teeth and undetrimental to health. Indeed he is dismissive of what he describes as the 'amazingly silly controversy about the alleged detrimental effects of fluoride'."

"It might be argued that the delay and expense have been worthwhile if they have finally disposed of the doubts about fluoridation. But the evidence has been available for so long that this should have been unnecessary, and the only doubts have been those stirred up by the highly organised anti-fluoride campaign itself. Its scare stories are rejected by international medical authorities of repute and are refuted by the experience of places where fluoride occurs naturally at optimum levels as well as places such as Birmingham, which fluoridated its water supply nearly two decades ago. There should be no need to go over that old ground yet again. Now that the arguments against fluoridation have been so conclusively dismissed in the Court of Session the Government should initiate legislation to remove a legal obstacle that should surely have been identified and dealt with at an earlier stage."

Dental Disease Prevention Activity
Center for Prevention Services
