

Beauty Bites: Fat loss injections & fat freezing, preventing avoidable claims

Within our insurance team, Capsticks deal with a large number of beauty and cosmetic claims. This is the second in a series of short insights, which will identify and manage the risks of common problems we encounter in a beauty claims portfolio.

There is an increasing public appetite for exploring alternative weight loss solutions such as fat loss injections and fat freezing (cryolipolysis). We have seen a rise in claims in respect of these procedures arising from the products and the equipment used.

Below, we have produced a list of the key considerations for managing risk:

Fat loss injections

- Always check that a product is authentic prior to its use on any clients or yourself. Check for a CE mark, always review any certificates of conformity and at the very minimum always keep one genuine product around so you are able to compare the packaging for composition of the products. Only purchase from trusted suppliers and ask them to confirm where they have obtained the products from. We often come across product liability elements to these claims, so always keep invoices and correspondence with any manufacturer or vendor, in case it becomes necessary to identify the organisation to whom the claim should be directed.
- Even if a patch test is not recommended, with injectables, it is better to be safe than sorry and to check for any reaction. It would be best practice to discuss with the manufacturer how to carry this out.
- Have a full and robust consenting procedure that fully outlines the risks and potential complications. Any consenting procedure must include the taking of a documented medical history including any medications and a confirmation that there are no contraindications in proceeding with the service.

Fat freezing (cryolipolysis)

Case study – Can you identify the areas for concern?

A client attends the salon for her cryolipolysis. She is consented and undergoes the treatment to her back with no complications. The client re-attends the salon 8 months later for a second session, this time to a different area of the body. The client verbally confirms

there have been no changes in her medical history and proceeds with the treatment, but no further consent form has been completed. The machine malfunctions during the treatment for unknown reasons (all previous PAT and service checks were passed). After 24 hours she starts showing signs of blistering, which leads to bruising, oedema and freeze burns to the treated area. The client is left with scarring, permanent hyperpigmentation as well as psychological injuries. It is later discovered that the machine's handle was deemed defective following this incident and this is what caused the Claimant's injuries.

Key considerations:

- The client was consented prior to her first session and attended her second session 8 months later. A practitioner should consider whether a client should be re-consented after a certain period of time and gold standard practice would be to re-consent prior to each session.
- Does the client's injury go over and above what she consented to? Consent forms should cover all the injuries you consider the client could be at risk of suffering which may not always be fully explained within the manual.
- The machine was later deemed defective meaning there was a fault with the machine. Where there has been injury because of or partly due to a defective machine/product, the manufacturers can be pursued.

How Capsticks can help:

Our insurance team recognises the importance of offering clear information to help clients and their customers avoid preventable claims.

Capsticks are routinely instructed to assist with all aspects of cosmetic and beauty claims. We are able to provide support to organisations and individuals facing claims and can also assist with risk management and policy advice where needed.

If you have any queries around the issues discussed in this insight, and the impact on your organisation, please speak to Sarah Bryant, Diandra Bennett or Pallabi Shakya.



SARAH BRYANT
PRINCIPAL ASSOCIATE

0208 780 4624
sarah.bryant@capsticks.com



DIANDRA BENNETT
ASSOCIATE

0208 780 4789
diandra.Bennett@capsticks.com



PALLABI SHAKYA
ASSOCIATE

0208 780 4770
pallabi.Shakya@capsticks.com