DEPARTMENT OF HEALTH & HUMAN SERVICES

APP 1

Food and Drug Administration
Rockville MD 20857

Zee Medical, Inc.
Attn: Kevin Lloyd
Manager, Quality and Regulatory Affairs
22 Corporate Park
Irvine, CA 92606

AUG 23 1999

Dear Mr. Lloyd:

Please refer to your Application for Exemption dated May 13, 1999, submitted under21 CFR 20 1.66(e) for Zee Tetrahydrozoline Eye Drops (#6 14) (tetrahydrozoline hydrochloride), 0.05% in a ½ fl oz or 14.7 mL container. Your application requests use of type sizes, other than those required by 21 CFR 201.66, in order to accommodate the fill labeling on the immediate package and to make such labeling available to all individuals throughout the life of the product.

We have completed our review of your request and it is denied. Your Application for Exemption does not provide substantial evidence to establish that the requirements specified in 2 I CFR 201.66 are inapplicable, impracticable, or contrary to public health or safety. Specifically:

1. Though not requested as exemptions, there were many deviations from the elements of the Drug Facts format required by 21 CFR 201.66.

2. The request for use of the 6-point type size for the heading cannot be addressed since the proposed draft labeling was not submitted in the Drug Facts format to allow evaluation of the request.

3. The required title "Drug Facts" does not appear in the draft labeling. Please refer to the provisions of21 CFR 20 1.66(d)(1 O)(ii) for the point size required for the titles "Drug Facts" and "Drug Facts (continued)." In accordance with21 CFR 20 1.66(d)(10)(ii), an exemption is not required for use of the 7-point type size for the title "Drug Facts (continued)."

4. The request to use the 4.5-point type size is not an appropriate minimum type size for the information included in the Drug Facts information box (or similar enclosure). From the example that you provided, the 4.5 point type size is not legible and readable. As stated in the OTC Labeling Final Rule (64 FR 13254 at 13264-13265), the type size for required OTC drug product labeling information must be no smaller than 6-point, under the conditions set forth in the final rule, including format exceptions for small packages as identified in 21 CFR 20 1.66(d)(10). Furthermore, the final rule addressed the importance of type size

98N-0337

ANS 1

to achieve readability, as well as the difficulty that significant numbers of consumers have in reading OTC drug product labeling.

Please be advised that our comments do not address all aspects of your proposed draft labeling, and as such, do not constitute an official review of labeling.

For a copyof21 CFR 201.66, please refer to the Dockets Management Branch website located at:

http://www.fda.gov/cder/otc/label/label-fr-reg.htm.

Should you have any questions, please contact Elizabeth Yuan, R.Ph., Regulatory Project Manager at (301) 827-2222.

Sincerely yours,

Charles J. Ganley, M.D.
Division Director
Division of Over-the-Counter Drug Products
Center for Drug Evaluation and Research

**********-COMM.JOURNAL- **WE****%**%**%%** DATE RUG-24-1999 ***** TIME 15:56 *** P.01

MODE = MEMORY TRANSMISSION START=AUG-24 15:54 END=AUG-24 15:56

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FOOD AND DRUG ADMINISTRATION
DIVISION OF OTC DRUG PRODUCTS
OFFICE OF DRUG EVALUATION V
CENTER FOR DRUG EVALUATION & RESEARCH
5600 FISHERS LANE, HFD-560
ROCKVILLE, MD 20857-001
301427-2222 (phone)
301-827-2315(fax)

DATE 8/24/99

TO: Kevin Lloyd, Manager, Quality and Regulatory Affairs
12 Corporate Park, Irvine CA 92606

PHONE: (949)-252-9500

FAX: (949) 252-9649

3 **PGS. (FAX + COVER)**

FROM: Elizabeth Yuan
Division of over-the-Counter Drug Products

MESSAGE Attached is the Agency's response to your Application for Exemption dated May 13, 1999, submitted under 21 CFR 201.66(c) for the Tetrahydrozoline Eye Drops.

Thank you.

Review of Application For Exemption from 21 CFR 201.66

Report # APP1	Sponsor: Zee Medical, Inc.
Drug Product: EYE DROPS; Tetrahydrozoline HCL, 0.5% (Zee Tetrahydrozoline Eye Drops #614)	Affected Label (SKU): 0,5 fluid ounce bottle – Immediate container (no outer container)
Submission Date: 5/13/1999	Review Date: 8/16/1999
Reviewer: Cazemiro R. Martin	

Request for: Content X Format Deferral

Adequacy of Submission: Does the exemption and/or deferral application include the following?

Content of Submission	Yes	No
1. A cover letter that includes: the statement "application for exemption", the NDA or ANDA number for approved drug products and a description of the drug product and shelf keeping unit(s) covered by the exemption request.	X	
2. A table of contents or index		X
3. A copy of the most recent marketed product label for products marketed under a monograph or the most recent approved labeling for drugs marketed under an NDA or ANDA.		X
4. A complete listing of all the requested exemptions from21 CFR 201.66(c) and (d).	X	
5. Explain why a particular requirement is inapplicable, impracticable, or contrary to public health or safety	X	
6. Complete labeling in the Drug Facts format consistent with21 CFR 201.66 with annotation of the parts of the label where exemptions are requested.		X
7. A representation of the proposed labeling, including any outserts, panel extensions, or other graphical or package techniques intended to **be used with the product.**	X	
8. Information on formatting, text style, and text size as illustrated in 64 FR 13254 at 13293.		X

The information provided is adequate for review: X Yes ____No

Exemptions Requested for Format

Paragraph	(√)	Description of Paragraph	Description of Exemption	Grant (yes / no)
(d)(IO)		(i) paragraphs (d)(l), (d)(5), (d)(6), and (d)(7) of sect ion apply		
	X X X	(ii) Drug Facts (continued) no smaller than 7-point. Headings are 7 pt or 1 pt. Larger than text (whichever is greater). Text is ≥ 6-point type	**7-pt. type size (title)** **6-pt. type size (headings)** **4.5-pt. type size for text**	* ** **No**
		(iii) < .5 leading may be used, provided ascenders and descenders do not touch		
		(iv) additional bulleted statements on the same line may continue to the next line		
		(v) omit box in (d)(8) and use color contrast		

* See **Reviewer** Comment #3
** **See Reviewer Corn ment #2**

Reviewer's Comments:

1. The draft labeling for this product dots not contain many of the elements of Drug Facts format required in 21 CFR 201.66.

2. The request for 6-point type size for the headings cannot be addressed because the draft labeling was not submitted in the Drug Facts format to allow evaluation of this request.

3. The required title "Drug Facts" does not appear in the draft labeling. Sponsor should be referred to 21 CFR 201.66 (d)(10)(ii) for the point size for the title "Drug Facts" and "Drug Facts (continued)." Based on section 201 .66(d)(10)(ii), an exemption is not required for 7-point type size for the title "Drug Facts (continued)."

4. The Sponsor's request to use 4.5-point type size is not an appropriate minimum type size for the information included in the Drug Facts information box (or similar enclosure). The agency stated in the OTC labeling final rule (64 FR 13254 at 13264-13265) that the type size for required OTC drug product labeling information must be no smaller than 6-point, under the conditions set forth in the final rule, including format exceptions for small packages as identified in 21 CFR 20 1.66(d)(10). Further, the agency discussed how important type size is in evaluating readability, as well as the difficulty significant portions of adults have in reading OTC drug product labeling below 6-point type size. Accordingly, because the agency considers 6-point type size as the minimum needed to assist consumers in reading and understanding OTC drug product labeling, it does not intend at this time to grant any exemption from 21 CFR 201.66 based on a type size below 6-point type.

Cazemiro R. Martin

OTC Labeling Team Concurrence: X Yes No (see Labeling Team comment sheet)

cc: HFD-560: Division File
HFD-560: CGanley/LKatz
HFD-560: reviewer/Project Manager

ZEE AMERICA'S WORKPLACE SAFETY EXPERT

May 13, 1999

Food and Drug Administration
5630 Fishers Lane, Rrn. 1061
Rockville, MD 20852

APPLICATION FOR EXEMPTION

Re: Request for Exemption from 21 CFR 201.66 (OTC Labeling Format)
Docket Number 98N-0337

Subject: Zee Medical, Inc.
##614 Tetrahydrozoline Eye Drops

This is a request for exemption from certain requirements of 21 CFR 201.66 (OTC Labeling Format), for Zee Medical, Inc. Tetrahydrozoline Eye Drops. We believe these requirements are impracticable for this product due to the small package size, our method of distribution, the method of final use of the product by numerous users, and other factors as outlined below.

Overview of Zee Medical, Inc.

Zee Medical, Inc. is a wholesale distributor of first aid and safety products. We provide these products to independent distributors and company-owned distributors who in turn sell them to employers for use in the employers' workplace first aid cabinets. These products are delivered to the employer by means of a van-based delivery system. The first aid items are placed directly into the first aid cabinet by the Zee sales representative and are prepared for immediate use.

Description of Product

Zee Tetrahydrozoline Eye Drops (#614) is a sterile OTC ophthalmic product packaged in 0.5 fluid ounce bottles. The product is manufactured by an outside supplier who provides it to us in private-labeled bottles silk screened with the Zee Medical label. The bottle also has a tamper-evident shrink band. The finished bottles are packaged into shipping cartons, 72 bottles per shipping carton. No further packaging is done.

Distribution and Use

We provide the Eye Drops to our distributors in one of two ways: (1) we package the individual bottles into first aid kits, which are soId to our distributors, or (2) we provide the Eye Drops to our distributors in the original shipping cartons, to be used as replenishment for first aid cabinets in the workplace. The end result is that the Eye Drops become a component of a workplace first aid cabinet shared by many employees.

98N-0337

EXEM

Zee Medical, Inc. McKesson Corp.22 Corporate Park .Irvine, CA 92606 .(949) 252-9500 .Fax: (949) 252-9649

Exemption Request

We are requesting exemption for this product from some of the format and font size requirements of21 CFR 201.66. Under the conditions described above, we believe it is imperative that the full labeling be (1) an integral part of the immediate package and (2) available to all individuals throughout the life of the product. Since our method of delivery to the user is not a typical retail application, we believe that the usual methods of conveying labeling information to the user are not appropriate for this product. This includes any packaging component which may be discarded, including a larger outside package (i.e., a box), a package insert, or a foldout booklet on the bottle itself. Our concern is that such labeling maybe read by the first person or two that uses the product, but it will then become separated from the product and discarded, thereby denying all other users access to the information. If the full labeling is not available to the user, our company will be exposed to the possibility of product liability claims due to our failure to properly warn the user.

We have evaluated other forms of packaging for this product, including a larger bottle size and disposable unit dose packaging. Both of these packaging configurations were rejected by our distributor and by their customers due to their awkward size and higher cost. We have concluded that neither of these options is a viable alternative for use in workplace first aid cabinets. If this exemption is not granted, we will either have to discontinue the product or provide it in a retail box, which we know will be discarded.

We are proposing to use a modified version of the labeling format specified in 21 CFR 201.66. A copy of our proposed labeling for this product is enclosed. The Drug Facts heading shown on the back panel of the proposed label is 7-point type, the headings are 6-point, and the text is 4.5-point. Because these products are soId exclusively to employers for use in the workplace, the age profile of users of this product is much narrower and much younger than that of the general adult population. According to Bureau of Labor Statistics figures (1998, 4th quarter) only 1% of full-time workers are over the age of 64 and only 10% are over the age of 54. The type size on the current product label is 4-point. Over the past ten years we have not received a single documented customer complaint concerning the small type size of this product. Given these circumstances, we believe that a type size of 4.5-point, as recommended by NDMA, is an appropriate minimum type size for this product.

We appreciate your consideration of this request and look forward to receiving your response as soon as possible. If you need additional information or would like to discuss this matter in person, please call me directly at (949) 252-9530.

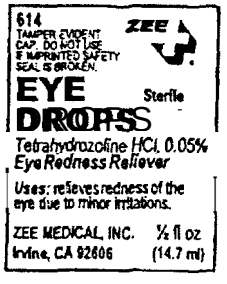
Very truly yours,

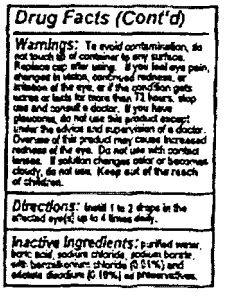
Kevin Lloyd
Manager, Quality and Regulatory Affairs
Zee Medical, Inc.

Enclosure

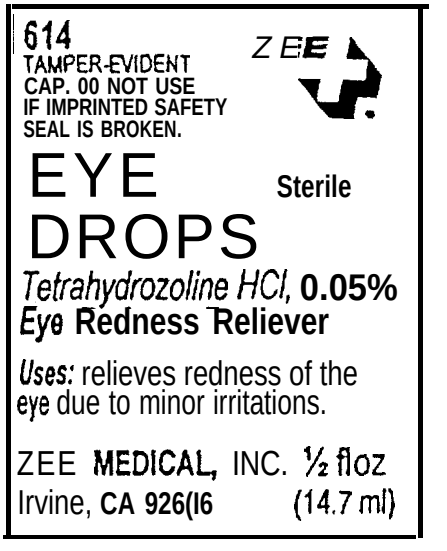
Proposed Label Copy for Zee #614 Eye Drops

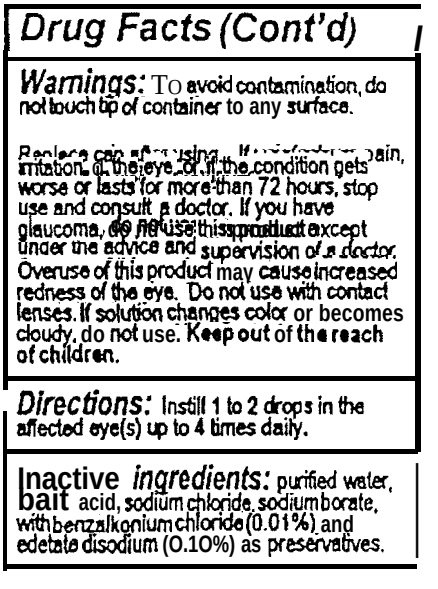
Actual Size





Enlarged





Font Sizes:

Drug Facts	7 ***point, bold italic***
Headings:	***6 point,*** **bold** ***italic***
Back Panel Text	**4.5** point

ZEE AMERICA'S WORKPLACE SAFETY EXPERT.

Zee Medical, inc. McKesson Corp.
22 Corporate Park, Irvine, CA 92606

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Food and Drug Administration
5630 Fishers Lane, Rm.1061
Rockville, MD 20852

Re: Request for Exemption from
21 CFR 201.66 (OTC Labeling Format)

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