FREEDOM OF INFORMATION (FOI) SUMMARY FOR AN ADAA FEED COMBINATION NEW ANIMAL DRUG APPLICATION

I. PURPOSE

This document:

- Provides instructions for preparing a Freedom of Information (FOI) Summary for a new animal drug application (original or supplement) for medicated feeds combined as permitted under the Animal Drug Availability Act of 1996 (ADAA),[1] and

- Describes the information we include in the FOI Summary for approved ADAA feed combination NADAs and their supplements other than minor labeling supplements.[2]

[1] The ADAA established a streamlined approval process for certain combination new animal drugs that contain active ingredients or animal drugs that have previously been separately approved, including combinations intended for use in animal feed. See 21 CFR 514.4(c).
[2] See P&P 1243.6020 and 1243.6030 for information on minor labeling supplements.

II. RESTRICTIONS AND LIMITATIONS

Use of this document presumes that the decision to approve a new animal drug combination application under the authority of the ADAA was appropriate. For the reader looking for help in making this decision, please consult with your managers and the Policy Team. The few brief points below may help direct your query.

Generic animal, indexed listed drugs, and conditionally approved drugs cannot be part of a combination approval as described in the ADAA. Section 512(d)(4) of the Federal Food, Drug, and Cosmetic Act ("the Act") does not apply to applications for combinations of new animal drugs that are based on the previous, separate section 512(b)(2) approvals of the new animal drugs to be used in the combination, i.e., generic new animal drug approvals. Specifically, Section 512(d)(4) states that the ADAA combination approval process may only be used for combination new animal drugs when "the active ingredients or drugs intended for use in the combination have previously been separately approved pursuant to an application submitted under Section 512(b)(1)." (Emphasis added).

Supplementing an approved ADAA combination cannot automatically be allowed in all circumstances. Adding a claim to the combination product because one of the parent (single drug) products was supplemented is likely permissible. However, there are rare situations where such a scenario may trigger the withdrawal of the combination product. Adding a claim that is specific to the combination product rather than one of the parent products may not be possible.[3]

III. WHY DO WE NEED AN FOI SUMMARY?

An FOI Summary provides the public a summary of the safety and effectiveness data on which we based our decision to approve the new animal drug or a supplement to an approved new animal drug. After we publish an approval of an original or supplemental NADA in the FEDERAL REGISTER, we are required to make a summary of "the safety and effectiveness data and information submitted with or incorporated by reference in the NADA file" among other things "immediately available for public

[3] If the supplemental application is for an indication that has not been added to one of the individually approved new animal drugs in the combination, discuss it with the Policy Team.

disclosure." We must make this disclosure "unless extraordinary circumstances are shown".[4]

IV. WHAT ADAA MEDICATED FEED COMBINATION NADAS NEED AN FOI SUMMARY?

ONADE prepares an FOI Summary for each approved original and supplemental (other than a minor labeling supplement) ADAA feed combination application.

V. WHO PREPARES AN FOI SUMMARY?

We will prepare the final version of the FOI Summary.[5] Generally, a reviewer in the division responsible for reviewing target animal safety and effectiveness information will be responsible for preparing the FOI Summary, but the preparer may be any other individual designated by office, division, or team procedures. If the reviewer has questions about who prepares the FOI Summary, they should consult with their team leader or division director.

VI. GENERAL PRINCIPLES FOR FOI SUMMARIES

A. The FOI Summary should:

1. Be detailed

   The FOI Summary should use the ADAA Feed Combination boilerplate language for the effectiveness, target animal safety, and human food safety sections. Be clear and accurate.

[4] Although the regulations do not use the specific term "FOI Summary," FDA uses this term to describe the summary we prepare under 21 CFR 514.11(e). We refer to this document as an FOI Summary because it contains the information that we would disclose in response to an information request under the Freedom of Information Act.

[5] FDA regulations allow either CVM or the sponsor (with CVM review and revision) to prepare the FOI Summary (21 CFR 514.11(e)(2)(ii)). Sponsors often submit a draft FOI Summary with each applicable technical section (under the INAD) or with a non-administrative original or supplemental NADA. It is ONADE policy that we prepare the FOI Summary.

2. Be internally consistent

   For example, always reference the new animal drug in the same manner, and make sure that information you include in the text matches that in the tables and the tabular values are arithmetically valid.

3. Define acronyms the first time they appear in the document

4. Reference previous approvals when needed

   If the FOI Summary includes references to previous approvals, each reference should include the NADA number and the date of the FOI Summary that contains the information you reference (i.e., refer to the FOI Summary for NADA XXX-XXX dated DATE).[6] If the FOI Summary you are referencing does not have a date, use another reference (i.e., approval letter, or, if you cannot find a dated approval letter, a FEDERAL REGISTER notice). Clearly identify the document to which you refer and its date (i.e., NADA XXX-XXX, approved DATE or approval of NADA XXX-XXX, as published in the FEDERAL REGISTER (volume number FR page number) on DATE).

5. Use plain language

   The purpose of the FOI Summary is to explain the basis for the approval to the public. Write it using plain language [www.plainlanguage.gov].

B. Do not include trade secrets or confidential commercial information in the FOI Summary

The Freedom of Information Act exempts trade secrets and confidential commercial information from disclosure.[7] In addition, Federal law prohibits the disclosure of trade secrets submitted to FDA.[8] If you have questions regarding what information to include in the FOI Summary, discuss them with your team leader and the Center's FOI Officer.

[6] We use the date of the FOI Summary because it is most closely associated with the information being referenced. Some older FOI Summaries contain approval dates or FR notice dates. In general, the date on the front page of the FOI Summary is the same as the date on the approval letter. In most cases, the FR notice date will not match the approval letter (or FOI Summary) date.
[7] See 5 USC §552(b)(4). 21 CFR 20.61.
[8] See section 301(j) of the Federal Food, Drug, and Cosmetic and 21 CFR §20.61.

VII. PREPARING THE FOI SUMMARY DOCUMENT

Begin to prepare the FOI Summary document when you receive an application, and continue building the FOI Summary document as you and the consulting reviewers complete your reviews. The Division of Human Food Safety should provide the Human Food Safety section of the FOI Summary as a part of their review. Time permitting, you may share a copy of your FOI Summary document with the sponsor and tell the sponsor that they may request changes to correct typographical errors.

Include the complete FOI Summary in Folder A of the approval package.

VIII. CONTENTS OF THE FOI SUMMARY

Use the office template for the ADAA Feed Combination NADA FOI Summary. Instructions for finding and using templates are located on the ONADE Reviewer's Reference Page under Review Aids/Approved Products on the ONADE Templates page.

This section describes the contents of each section of the FOI Summary in more detail than the template. Refer to this section as you use the FOI Summary template.

A. General instructions for using the FOI Summary template

1. Include words not in italics or brackets, (i.e., < >) in the FOI Summary verbatim (they are office boilerplate).

2. Words in bracketed italics may provide instruction, describe the information you will provide, or may give examples of the type of information that you will include in a particular portion of the FOI Summary.

3. Where you see brackets or shaded areas, you will provide information relating to your specific application.

B. Title Page

1. Date of Approval

   Leave this blank in the final version. The Quality Assurance Team date stamps the paper copy of the FOI Summary with the same date as the approval letter.

2. Proprietary Names

   The proprietary name is the exclusive name the sponsor or distributor assigns to a drug substance or the drug product. It is more commonly known as the trade name and is often trademarked. For example, different sponsors market chlortetracycline as, "CHLORMAX" or "AUREOMYCIN." To identify the proprietary name refer to the proprietary name box on the most recently submitted Form 356V. Use the proprietary name consistently throughout the FOI Summary.[9]

   When writing the proprietary name, do not use trademark symbols (® or ™). Write the portion of proprietary name to the left of the trademark symbol in ALL CAPS in our documents. If the proprietary name contains words to the right of the trademark symbol, capitalize the first letter of each word. For proprietary names that are not trademarked, capitalize the first letter of each word. For example:

   - Paylean® and Tylan® would appear as PAYLEAN and TYLAN
   - Deccox® and ChlorMax™ would appear as DECCOX and CHLORMAX
   - Deccox® and Lincomycin would appear as DECCOX and Lincomycin

3. Established Names

   The United States Adopted Names (USAN) Council usually assigns the established name.[10] Ractopamine, tylosin, and roxarsone are some examples of established names. To identify the established name refer to the established name box on the most recently submitted 356V. The established name should be identical to the product label. Use it consistently throughout the FOI Summary.

[9] For a product with an excessively long proprietary name, you may use a shortened proprietary name throughout the FOI Summary provided the full proprietary name (followed by the shortened name in parentheses) is used the first time the proprietary name appears.
[10] See 21 CFR 299.4.

4. Dosage Form

   The dosage form for an ADAA feed combination refers to the physical description of the approved single ingredient products. For ADAA feed combinations, the dosage form will be Type A medicated articles to be used in the manufacture of Type B and/or Type C medicated feeds. If the dosage form is part of the proprietary name, do not include the dosage form line on the title page.

5. Species

   Some approvals apply to a specific class within a species (e.g., lactating dairy cattle). If there is a specific class for the approval, include that information here. If there is no class limitation, enter the species in plain language (e.g. dogs rather than canine).

6. Indication(s) or Effect(s) of Supplement

   The indication(s) or effect(s) of supplement in the FOI Summary refers to the indications (for an original application) or changes (for a supplemental application) being approved in the application.

   For an original application, the indication(s) you include in the FOI Summary should be identical to those on the Type B and/or Type C Medicated Feed (Blue Bird) label.

   For supplemental applications, list the change or changes being approved (i.e., describe the new indication, new species, new route(s) of administration, new dosage(s), or label changes). The effect(s) of supplement should be descriptive enough to identify which indication(s) and/or species are affected by the supplemental approval. For example, a supplemental NADA to reduce a withdrawal time in turkeys from 7 to 0 days would read, "To reduce the withdrawal time from 7 to 0 days in turkeys." For the title page, you may paraphrase the indication(s) or effect(s) of supplement if needed, to ensure that the indication(s) or effect(s) of supplement fit(s) on one page.

7. Sponsor's Name

   Copy the sponsor's name exactly as it appears in 21 CFR 510.600(c).

C. Header

The header will appear on all pages (except the cover page) of the FOI Summary. To insert the NADA number in place of XXX-XXX in the Header, select View → select Header and Footer. This will open the header so you can type the NADA number.

D. Table of Contents

The template automatically generates the Table of Contents (TOC). Only the first two heading levels will appear in the TOC.

After you complete the body of the FOI Summary, you need to update the TOC headings and page numbers. To update the TOC, move the mouse cursor over one of the lines in the TOC and click the right mouse button. Select "Update Field" and choose "Update entire table."

E. General Information

1. Sponsor, their address, Drug Labeler Code, and U.S. Agent

   If this is not the first approval for a sponsor, copy the sponsor name, address, and drug labeler code exactly as it appears in 21 CFR 510.600(c). Use the listing in the electronic CFR to obtain the most recent information.[11] If this is a sponsor's first approval, see your team leader for assistance.

   If the sponsor does not reside or have a place of business within the U.S., insert the name and address of the authorized U.S. agent.[12] Delete the field if it is not applicable.

2. Proprietary Names and Established Names

   These sections should be the same as described above for the title page.

[11] The electronic CFR (e-CFR) (http://ecfr.gpoaccess.gov) is different than the online CFR (http://www.gpoaccess.gov/cfr/index.html), which is an electronic copy of the most recently printed CFR (issued in April of each year).
[12] See 21 CFR 514.1(a).

3. Pharmacological Category(ies)

   This section describes the action of the drug product (e.g., anticoccidial, antimicrobial, or antiparasitic).

4. Dosage Form

   This section should be the same as described above for the title page. However, if the dosage form is part of the proprietary name, it means dosage form was not included as a separate line on the title page. If that is the case, you will still include dosage form information in this portion of the table.

5. Amount of Active Ingredients

   This section describes the amount of drug per pound (g/lb) in the Type A medicated articles.

6. How Supplied

   This section describes the size and description of the Type A medicated articles (e.g., 50 lb bag).

7. How Dispensed

   This section identifies whether the drug is dispensed over-the-counter (OTC) or as a veterinary feed directive (VFD) drug.

8. Dosage

   This section describes the approved dose, frequency, and duration of treatment for the combination product (i.e., as printed on the Type B and/or Type C medicated feed labels) labeling.

9. Route(s) of Administration

   This section describes the way to administer the product. For ADAA feed combinations, this will be "Oral, in feed."

10. Species/Class(es)

    The information included here should match the description in the combination product (i.e., as printed on the Type B and/or Type C medicated feed labels) labeling. Some approvals apply to a specific class within a species (e.g., lactating dairy cattle). If there is a specific class for the approval, include that information here. If there is no class limitation, enter the species in plain language (e.g. cattle rather than bovine).

11. Indication(s)

    Copy the information for this section exactly from the Type B and/or Type C medicated feed labeling. For an original approval, list all indications. For supplemental NADAs, you may abbreviate the list to include only the indications to which the supplement applies. If you include all of the previously approved indications with the new or modified indications, then you should highlight (by bolding) the new or modified indications so that the new or modified indications are readily distinguishable. In the rare instance that the supplement does not apply to a specific approved indication (e.g., a change in withdrawal period or feeding directions), you should include a statement that reads, "There was no change in the approved indications."

12. Effect(s) of Supplement

    If this is a supplemental approval, this section should briefly describe the changes we are approving. For original approvals, you should delete this row from the General Information table.

F. Effectiveness[13]

After the introductory boilerplate paragraph, describe for each drug ingredient: the established name, the sponsor, the use and conditions of use, the CFR citation, and approved NADA number. If the application refers to NADAs held by other sponsors, indicate the NADAs to which the sponsor of the combination product has right of reference. Discuss how the combination approval meets the

[13] An ADAA feed combination NADA approval generally does not require effectiveness studies. For a feed combination NADA that requires effectiveness data or information, discuss the format of the FOI Summary with your team leader, as it may be necessary to use elements from both the NADA FOI Summary (P&P 1243.5761) and this document.

requirements set out in section 512(d)(4) of the Act. The template provides a sample paragraph.

G. Target Animal Safety[14]

After the introductory boilerplate paragraph, describe for each drug ingredient: the established name, the sponsor, the use and conditions of use, the CFR citation, and approved NADA number. If the application refers to NADAs held by other sponsors, indicate the NADAs to which the sponsor of the combination product has right of reference. There is a sample paragraph in the template.

H. Human Food Safety

1. Food-producing animals

   If the product is for use in food-producing animals, include the appropriate sections listed here after the introductory ADAA Feed Combination boilerplate paragraphs. Provide the reasons for any sections that are not considered appropriate for this approval.

   a. Toxicology

      Use the language provided in the template.

   b. Residue Chemistry

      This section should describe the residue chemistry studies that support FDA's decision to approve the new animal drug. Under the first subheading, summarize each residue chemistry study. You should sequentially number and individually describe each study with the applicable identifying information: title of study, name of study director, location of study (city and state only), brief outline of the protocol, number of animals, GLP compliance statement, and study results.

[14] An ADAA feed combination NADA approval generally does not require target animal safety studies. For a feed combination NADA that requires target animal safety data or information, discuss the format of the FOI Summary with your team leader, as it may be necessary to use elements from both the NADA FOI Summary (P&P 1243.5761) and this document.

The final three subheadings in this section (subheadings b.2 through b.4 in the template) identify the target tissue and provide the tolerance assignments and withdrawal times based on the residue chemistry studies.

c. Microbial Food Safety

The Microbial Food Safety Team will provide the text for this section.

d. Analytical Method for Residues

Use the language provided in the template.

2. Non-food producing animals

If the product is for use in non-food producing animals, then include the standard language in the template explaining that we did not require human food safety data.

I. User Safety

If there are user safety warnings, copy the warnings exactly from the Type B and/or Type C medicated feed labeling for this section. If there are any specific user safety concerns, provide the basis for the user safety concerns including steps for minimizing the potential harm to humans handling, administering, or exposed to the new animal drug.

J. Agency Conclusions

This section contains a summary of considerations involved in the approval of the subject drug.

In this section, you should:

- Provide a detailed discussion of the basis for the approved marketing status (over the counter [OTC] or Veterinary Feed Directive [VFD]) for the combination product.[15] For drugs with VFD status, list each substantial reason why adequate directions for laymen's use cannot be written. Appendix 1 contains sample language.

[15] See P&P 1240.2220 for further information about classification of OTC and Rx drugs.

- Exclusivity does not usually apply to ADAA combination approvals. In the rare case where we grant exclusivity, use the appropriate statement from P&P 1243.5780.

- If this is a supplemental application, identify whether the approval is a Category I or Category II change.[16] If this is an original NADA, delete this section of the template.

- Provide available patent information as submitted by the sponsor with the application or with their labeling technical section, if applicable.

K. Attachments

Typically, you will only need to attach the Type B and/or Type C medicated feed labeling that the sponsor provides with the NADA. Attach copies of the labeling components in the order you list them in this section. List the names of the labeling components identically to any name listed on the label (for example, Finishing Swine Type C Medicated Feed (Rate of Gain)). Make sure that the labels you attach are legible.

IX. DISTRIBUTION COPIES

Send forward only one copy of the FOI Summary with the draft approval package.

With the final approval package:

- Include all the necessary copies of the FOI Summary;

- Write the intended recipient of each copy, in pencil, on the title page in the upper right hand corner; and

[16] 21 CFR 514.106(b) defines the category change types.

- List the copies for distribution of the FOI Summary and appended labeling in the cc block as follows:

  cc: Document Control Unit, for the administrative file of:
  N-XXXXXX-X-XXXX-XX
  Courtesy copy for the sponsor
  HFV-12, FOI Staff
  HFV-104, Green Book
  HFA-305, Division of Dockets Management

- Do not include the cc: block on the courtesy copy, FOI Staff copy, or the Division of Dockets Management copy of the FOI Summary.

X. FOI SUMMARY SIGNATURE PAGE

Fill in the fields indicated by carat marks. If the drug is for use in non-food producing animals, insert "NA" on the Division of Human Food Safety (HFV-150) signature line (Line 4). For approvals that the ONADE Office Director signs, insert "NA" on the Center Director signature line (Line 7).

Attach the original FOI Summary signature page to the Document Control Unit copy of the FOI Summary in the approval package.

XI. REFERENCES

Statutes

Federal Food, Drug, and Cosmetic Act

Section 301, Prohibited acts

Section 512, New animal drugs

Freedom of Information Act

5 USC 552, Public information, agency rules, opinions, records, and proceedings

Trade Secrets Act

18 USC 1905, Disclosure of confidential information generally

Code of Federal Regulations (Title 21)

Part 20 – Public Information

20.61 - Trade secrets and commercial or financial information which is privileged or confidential

Part 299 – Drugs; Official Names and Established Names

299.4 - Established names for drugs

Part 510 – Sponsors of Approved Applications

510.600 - Names, addresses, and drug labeler codes of sponsors of approved applications

Part 514 – New Animal Drug Applications

514.1 - Applications

514.4 - Substantial evidence

514.8 - Supplemental new animal drug applications

514.11 - Confidentiality of data and information in a new animal drug application file

514.106 - Approval of supplemental applications

CVM Program Policy and Procedures Manual

1240.2220 - Classification of OTC and Rx drugs

1243.3010 - Format and style conventions for letters

1243.3030 - Completing final action packages for STARS submissions

1243.5780 - Exclusivity wording for use in the following documents: memorandum recommending approval and letter to applicant

1243.6020 - Review of NADA and ANADA labeling supplements

1243.6030 - Review of labeling changes in manufacturing supplements

XII. VERSION HISTORY

November 16, 2001 – Original P&P version

December 10, 2007 – Revised to update and provide a standard outline format for an ADAA feed combination NADA FOI Summary using a template.

March 7, 2008 – Revised to include instructions for using the most recent 356V to determine the established name of a product and to clarify that if there is an animal class associated with the approval, that information is included on the Species line of the title page and in the general information table.

May 14, 2008 – Minor adjustments made in formatting of the document.

December 4, 2008 – Minor revisions made to document format.

APPENDIX 1. MARKETING STATUS INFORMATION

Over-the-Counter (OTC) products

This product can be marketed over-the-counter (OTC) because the approved labeling contains adequate directions for use by laypersons and the conditions of use prescribed on the label are reasonably certain to be followed in practice.

Veterinary Feed Directive (VFD) products

A valid veterinary feed directive (VFD) is required to dispense this drug. Any animal feed bearing or containing this drug will be fed to animals only by or on a lawful veterinary feed directive issued by a licensed veterinarian in the course of their professional practice. <*State whether the VFDs for this drug are refillable. For example, "In addition, the veterinary feed directives issued for this drug are not refillable." Also, discuss why professional supervision of a licensed veterinarian is needed.*>