DEPARTMENT .IEALTH & HUMAN SERVICES

Public .h Service

Food and Drug Administration
Rockville MD 20857

JUN 23 1997

TRANSMITTED BY FACSIMILE

Daniel Kisner, M.D.
President
ISIS Pharmaceuticals
16309 West 108 Circle
Carlsbad, CA 92008

Re: ISIS 2302
MACMIS File ID #5330

Dear Dr. Kisner:

This letter concerns ISIS Pharmaceuticals' (ISIS) promotional materials for its ISIS 2302 investigational drug. Based on materials that the Division of Drug Marketing, Advertising, and Communications (DDMAC) has received as part of its monitoring program, we have determined that ISIS has distributed materials that contain statements or suggestions that promote ISIS 2302 and that are false and/or misleading. As you are aware, the Food and Drug Administration (FDA) has not approved ISIS 2302 for marketing. Therefore, the distribution of these materials constitutes pre-approval promotion of ISIS 2302 and is in violation of the Federal Food, Drug, and Cosmetic Act (Act), and regulations promulgated thereunder.

Promotional materials and activities that claim or represent in a promotional context that an investigational new drug is safe or effective for the purposes for which it is under investigation, or that otherwise promote the drug, are in violation of the Act.

It is important to contrast ISIS' activities in this matter with the non-promotional exchange of scientific information concerning a drug prior to FDA approval. The Agency does not wish to restrict the full exchange of scientific information and does not seek to regulate activities that are non-promotional. It has been longstanding DDMAC position that individual, non-promotional responses by pharmaceutical companies to specific, unsolicited requests for scientific information (including information on unapproved uses) from health care professionals will not generally be regarded as promotional labeling. However, the materials disseminated may not commercialize the drug before it is approved for commercial distribution.

ISIS' pre-approval promotional materials included, among other items, a press release on the Worldwide Web that made specific efficacy claims for ISIS 2302 in the treatment of Crohn's Disease. We request that ISIS take prompt action to address the violations discussed in this letter and prevent their recurrence.

We also request that a response be submitted in writing of your intent to comply with the above request and your plans for fulfilling your compliance. In addition, please submit a complete listing of any promotional materials for ISIS 2302 that are currently in use.

The violations cited and discussed in this letter are not intended to be a complete listing of all violations.

Please respond in writing by July 8, 1997, regarding the steps taken in response to the instructions above. Send your response to the undersigned at:

Food and Drug Administration
Division of Drug Marketing, Advertising,
and Communications
HFD-40
Room 17-B-20
Rockville, MD 20857

If you have any questions in regard to this letter, please contact the undersigned at (301) 827-2831.

Sincerely,

Stephen W. Sherman, M.B.A.
Regulatory Review Officer
Division of Drug Marketing,
Advertising, and Communications