

and any other interested person, shall be permitted to participate as nonparty participants (see 21 CFR 12.89), provided that they file a notice of participation pursuant to 21 CFR 12.45(a).

In accordance with 21 CFR 12.85(a)(4), the Center for Drugs and Biologics has filed with the Dockets Management Branch a narrative statement setting forth its position on the issues of the hearing and a summary of the types of evidence to be introduced in support of its position in the hearing, together with copies of data contained in the Center's files that relate to the issues raised herein. Interested persons may obtain a copy of the Center's narrative statement from the Dockets Management Branch (address above). Such persons may also examine the data on the drugs subject to this hearing notice (with the exception of any data identified as confidential pursuant to the provisions of 21 CFR 10.20(j)) at the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

The prehearing conference will be held on December 12, 1984, at 10 a.m., in the FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857. The hearing will be held in the FDA Hearing Room on a date to be set at the prehearing conference. Written notices of participation shall be filed with the Dockets Management Branch no later than October 17, 1984. Participants other than the Center for Drugs and Biologics shall disclose data and information and submit their narrative statements pursuant to 21 CFR 12.85 on or before November 16, 1984. All participants are required both to attend the prehearing conference and to be prepared to comply with the provisions of 21 CFR 12.92.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard on matters relevant to the issues under consideration.

Because this is a public hearing, it is subject to FDA's guideline concerning the policy and procedures for electronic media coverage of public agency administrative proceedings. This guideline was published in the *Federal Register* of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including formal evidentiary hearings conducted pursuant to Part 12 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including

the testimony of witnesses in the proceeding. Accordingly, the parties and nonparty participants to this hearing, and all other interested persons, are directed to the guideline, as well as the *Federal Register* notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on this hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052 as amended [21 U.S.C. 355]) and under authority delegated to me (21 CFR 5.10), I order that a public hearing be held on the issues set forth in this notice.

Dated: September 11, 1984.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 84-24524 Filed 9-14-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0012; DESI 8884]

Erythromycin Ointment; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of the new drug application (NDA) for Ilotycin No. 90 Ointment, held by Eli Lilly & Co., on the ground that there is a lack of substantial evidence of the product's effectiveness in the treatment of the various dermatologic disorders for which it is labeled.

EFFECTIVE DATE: October 17, 1984.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 8884 and directed to the Division of Drug Labeling Compliance (HFN-310), Center for Drugs and Biologics, Rm. 216, 5640 Nicholson Lane, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

David T. Read, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the *Federal Register* of September 25, 1981 (46 FR 47408), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug applications for certain topical anti-infective drug products. The proposal was based on the lack of substantial evidence of effectiveness as required by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5). In response to that notice,

Eli Lilly & Co., filed a hearing request for Ilotycin No. 90 Ointment and submitted data, information, and analyses in support of its request. Because Eli Lilly & Co., subsequently withdrew its hearing request, approval of the new drug application for this product is now withdrawn.

NDA 60-646; Ilotycin No. 90 Ointment containing erythromycin, Eli Lilly & Co., P.O. Box 618, Indianapolis, IN 46206.

Any drug product that is identical, related, or similar to this product and is not the subject of an approved new drug application is covered by NDA 60-646 and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Center for Drugs and Biologics, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended [21 U.S.C. 355]) and under the authority delegated to him (21 CFR 5.82 and 47 FR 26913 published in the *Federal Register* of June 22, 1982) finds that, on the basis of new information before him with respect to the product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 60-646 and all its amendments and supplements is withdrawn effective October 17, 1984.

Shipment in interstate commerce of the above product or any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: August 29, 1984.

Harry M. Meyer, Jr.,

Director, Center for Drugs and Biologics.

[FR Doc. 84-24523 Filed 9-14-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84N-0632]

Lemmon Co.; New Drug Applications; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of two new drug applications (NDA's) for methaqualone. These withdrawals are based upon a statutory

directive that such approval be withdrawn and upon a written request from the holder of the NDA's. The intended effect of this action is to comply with the statutory directive and the written request of the holder of the NDA's.

EFFECTIVE DATE: September 26, 1984.

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., Center for Drugs and Biologics (HFN-364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 98-329 (98 Stat. 280), the Attorney General transferred methaqualone from Schedule II to Schedule I of the Controlled Substances Act (CSA) (49 FR 33870; August 27, 1984). Pub. L. 98-329 also directs that, effective 30 days after the date methaqualone is transferred to Schedule I of the CSA, the approval of the NDA's for methaqualone shall be withdrawn under the Federal Food, Drug, and Cosmetic Act.

Also, on August 31, 1984, the holder of the only two NDA's for methaqualone (the Lemmon Co.) requested that FDA withdraw approval of the applications. The applicant also, by written request, waived its opportunity for hearing.

Therefore, pursuant to the foregoing, approval of the NDA's for methaqualone (NDA's 14-166 and 17-051) is withdrawn effective September 26, 1984.

Dated: September 11, 1984.

Paul Parkman,

Acting Director, Center for Drugs and Biologics.

[FR Doc. 84-24522 Filed 9-14-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0012; DESI 9405]

Terra-Cortril Topical Ointment; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of the new drug application (NDA) for Terra-Cortril Topical Ointment. FDA is withdrawing approval because the combination drug product lacks substantial evidence of effectiveness. The product is labeled for the treatment of various dermatologic conditions.

EFFECTIVE DATE: October 17, 1984.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the

reference number DESI 9405 and directed to the Division of Drug Labeling Compliance (HFN-310), Center for Drugs and Biologics, Food and Drug Administration, 5640 Nicholson Lane, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of September 25, 1981 (46 FR 47408), FDA offered an opportunity for a hearing on a proposal to withdraw approval of the following NDA:

NDA 61-011; Terra-Cortril Topical Ointment containing oxytetracycline hydrochloride 30 milligrams (mg) and hydrocortisone 10 mg; Pfizer Inc., 235 East 42d St., New York, NY 10017.

The proposal was based on the lack of substantial evidence of effectiveness as required by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), 21 CFR 314.111(a)(5), and 21 CFR 300.50. In response to the notice, Pfizer requested a hearing, but subsequently withdrew its hearing request. Accordingly, FDA is now withdrawing approval of the NDA.

Any drug product that is identical, related, or similar to the drug product named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address above).

The Director of the Center for Drugs and Biologics, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)) and under authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the combination product Terra-Cortril Topical Ointment will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 61-011 and all its amendments and supplements is withdrawn effective October 17, 1984. Shipment in interstate commerce of this product or any identical, related, or similar product that is not the subject of

an approved new drug application will then be unlawful.

Dated: September 7, 1984.

Harry M. Meyer, Jr.,

Director, Center for Drugs and Biologics.

[FR Doc. 84-24521 Filed 9-14-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84M-0288]

Vistakon, Inc.; Premarket Approval of the VISTAMARC™ (Etafilcon A) Hydrophilic Contact Lens For Not-Aphakic Extended Wear

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the VISTAMARC™ (etafilcon A) Hydrophilic Contact Lens for Not-Aphakic Extended Wear, sponsored by Vistakon, Inc., Jacksonville, FL. After reviewing the recommendation of the Ophthalmic Devices Panel (formerly the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel), FDA notified the sponsor that the supplemental application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by October 17, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review are to be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On December 27, 1982, Vistakon, Inc., Jacksonville, FL 32207, submitted to FDA a supplemental application for premarket approval of the VISTAMARC™ (etafilcon A) Hydrophilic Contact Lens for Not-Aphakic Extended Wear. The lens is spherical and ranges in powers from -20.00 to +14.00 diopters (D). The lens is indicated for extended wear from 1 to 30 days between each cleaning and heat or chemical disinfection. The lens is indicated for the correction of visual

acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic and that may have 1.00 D or less of astigmatism. The supplemental application was reviewed on May 20, 1983, by the then Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. (On April 14, 1984, the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel was terminated. Concurrently, FDA established the Ophthalmic Devices Panel (see 49 FR 17446; April 24, 1984).) On August 10, 1984, FDA approved the supplemental application by letter to the sponsor from the Director, Office of Device Evaluation of the Center for Devices and Radiological Health.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broaden the definition of the term "device" in section 201 (h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the *Federal Register* of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from the office. A copy of all approved final labeling is available for public inspection at the Center for Devices and Radiological Health—contact Charles H. Kyper (HFZ-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the VISTAMARC™ (etafilcon A) Hydrophilic Contact Lens for Not-aphakic Extended Wear states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that FDA approved for use with approved contact lenses made from polymers other than PMMA. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the *Federal Register* of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the supplemental application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be

used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 17, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 10, 1984.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-24519 Filed 9-14-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 78N-0070; DESI No. 1626]

Combination Drugs Containing Theophylline, Ephedrine Sulfate, and Hydroxyzine Hydrochloride; Notice of Hearing

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is granting a hearing on the proposal to withdraw approval of the new drug applications for Marax Tablets and Marax Syrup, containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride. The drugs are intended for the treatment of bronchial asthma. Products that do not contain the triple combination of theophylline, ephedrine sulfate, and hydroxyzine hydrochloride will not be included in the hearing.

DATES: Notices of participation shall be filed with the Dockets Management Branch no later than October 17, 1984. Disclosure of data and information and submission of narrative statement by FDA's Center for Drugs and Biologics by December 17, 1984. And by other participants by January 15, 1985. Prehearing conference on February 14, 1985, beginning at 10 a.m..

ADDRESSES: Written notices of participation, disclosures, and statements to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Submissions should be identified with Docket No. 78N-0070 and clearly labeled "Marax Hearing.") Prehearing conference in the FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert J. Rice, Jr., Regulations Policy

Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION:

Background of This Proceeding

In a notice (DESI 1626) published in the Federal Register of July 26, 1972 (37 FR 14895), the Food and Drug Administration (FDA) evaluated the effectiveness of certain prescription combination drug products containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride, including Marax Tablets (NDA 11-768) and Marax Syrup (NDA 12-879), used primarily for treating bronchial asthma. Marax is approved under new drug applications held by J.B. Roerig Division, Pfizer Pharmaceuticals ("Roerig"), 235 East 42nd St., New York, NY 10017.

The 1972 notice, part of the Drug Efficacy Study Implementation (DESI) program, stated that FDA had evaluated the reports of the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, together with other evidence, and had concluded that the products lacked substantial evidence of effectiveness for the following indications: pulmonary infections associated with bronchospasm, dyspnea induced by exertion and cough, Cheyne-Stokes respiration, status asthmaticus, bronchospastic type of chronic hypertrophic pulmonary emphysema, other pulmonary disorders, or as a sedative. FDA concluded that the drugs were possibly effective as labeled for the following indications: bronchial asthma and other related claims.

Pursuant to the 1972 notice, Roerig revised the labeling for the drug products to include only the indication "for controlling bronchospastic disorders" and qualified that claim in the labeling as "possibly effective." In support of that indication, Roerig submitted data and other information to FDA.

In a notice of opportunity for hearing published in the Federal Register of March 24, 1978 (43 FR 12380), the Director of the Bureau of Drugs (now the Center for Drugs and Biologics) reviewed the data and information submitted by Roerig. The Director concluded that the material failed to provide substantial evidence of the effectiveness of Marax in controlling bronchial asthma because the contribution of hydroxyzine to the claimed indication had not been demonstrated. *Id.* at 12382. The Director stated that the notice did not discuss the contribution of ephedrine/theophylline to the effectiveness of the combination

product because the ephedrine/theophylline combination was then being reviewed by FDA.

In the 1978 notice, the Director also stated that no data had been submitted on any of the other indications classified in 1972 as possibly effective. He, therefore, reclassified those indications to lacking substantial evidence of effectiveness. No data was submitted in support of any of the indications classified as lacking substantial evidence of effectiveness in the 1972 notice.

The Director concluded in the 1978 notice that on the basis of all the data and information available to him that he was unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 300.50 and 314.111(a)(5), demonstrating the effectiveness of the triple combination.

The 1978 notice advised the holder of the new drug application and other interested parties that the Director proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the triple combination product, and all amendments and supplements thereto, on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, showed that there was a lack of substantial evidence that the drug products containing the triple combination will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

The 1978 notice was amended on February 20, 1984 (49 FR 7454) to reflect new information on the safety and effectiveness of these drugs. On the basis of FDA's review of theophylline and ephedrine, the Director concluded that there was a lack of substantial evidence that each ingredient in the combination, theophylline and ephedrine in addition to hydroxyzine, made a contribution to the claimed effects and that the dosage of each component (amount, frequency, duration) was such that the combination was safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling for the drugs (21 CFR 300.50).

Requests for Hearing

In response to the 1978 and 1984 notices, Roerig submitted hearing requests and data and the other information in support of its requests. In addition to Roerig, the following firms requested a hearing:

Barre-National, Inc., 4128 Haywood Ave., Baltimore, MD 21215 ("Barre"); Hydroxyzine Compound Syrup (no NDA) containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride. Barre submitted hearing requests in response to both notices. In response to the 1984 notice, Barre expanded its hearing request to include seven additional drug products, none of which contain the triple combination of ingredients included in this notice of hearing.

Barrows Research Group, Inc., 99 West Hawthorne Ave., Valley Stream, NY 11580 ("Barrows"); unnamed drug product containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride. Barrows submitted a hearing request only in response to the 1984 notice.

Cord Laboratories, Inc., 2555 W. Midway Blvd., Broomfield, CO 80020 ("Cord"); Brofed Tablets (no NDA) containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride. Cord requested a hearing and submitted data and other information to support its request in response both to the original and amended notices.

Parke-Davis, Division of Warner-Lambert Co., ("Parke-Davis"), 201 Tabor Rd., Morris Plains, NJ 07950; Tedral SA (no NDA) containing theophylline, ephedrine hydrochloride, and phenobarbital. Parke-Davis requested a hearing in response to the 1984 notice only. It also submitted data and information in support of its request.

Premo Pharmaceutical Laboratories, Inc. (now Lemmon Co.), 111 Leuning St., South Hackensack, NJ 07606; unnamed drug product containing theophylline, ephedrine sulfate, and hydroxyzine hydrochloride. The Lemmon Co. subsequently withdrew its hearing request.

American Home Products Corporation, 685 Third Ave., New York, NY 10017, submitted comments to the docket.

Review of the Hearing Requests by the Director of the Center for Drugs and Biologics

The Director of the Center for Drugs and Biologics evaluated the requests for a hearing on the issue whether there is substantial evidence (21 U.S.C. 355(d)) of the effectiveness of Marax and its

various generic copies, and recommended that a hearing be held on this issue.

The Director considered the requests from Barre and Parke-Davis to expand the hearing to include various additional drug products that do not contain the fixed triple combination of ingredients theophylline, ephedrine, and hydroxyzine and recommended that issues relating to these additional drug products not be included in this hearing. The basis of such recommendation is set out below.

The Director's Recommendation Concerning the Additional Drug Products

For the following reasons, the Director concluded that products which do not contain the triple combination of ingredients present in Marax should not be included in the hearing.

The additional products described by Barre and Parke-Davis are being evaluated by the agency in separate dockets (Docket Nos. 76N-0056 and 76N-0057) and may be the subject of future Federal Register notices. Because the additional products manufactured by Barre and Parke-Davis do not contain the same three ingredients as the products that are the subject of this hearing (e.g., Parke-Davis' product, Tedral SA, differs from the products covered by this notice in that, among other things, it is in a sustained release form and does not contain hydroxyzine but a different active ingredient, phenobarbital), they are not properly included in this hearing.

The Commissioner's Ruling on the Hearing Requests

The Commissioner is now granting the hearing request of Roerig on the proposal to withdraw approval of the NDAs for Marax. Approval will be withdrawn unless there exists substantial evidence (21 U.S.C. 355(d), 21 CFR 314.111(a)(5)) that the products have the clinical effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling (21 U.S.C. 355(d)). In addition, because the Marax products are fixed combination prescription drugs, such evidence exists for them only if "each component makes a contribution to the claimed effects and the dosage of each component (amount, frequency, duration) is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling for the drug" (21 CFR 300.50).

Under 21 CFR 314.200(f), the Commissioner will not evaluate or rule

upon the Director's recommendation that a hearing be denied as to some (but not all) issues. Further, the regulation provides that those issues as to which the Director has recommended a denial not be included in the notice of hearing. Accordingly, the additional products described by Barre and Parke-Davis, that do not contain the triple combination theophylline, ephedrine, and hydroxyzine, are not included in this notice.

Issues in this Proceeding

In light of the Director's recommendation and the requirements of 21 CFR 314.200, two questions will be addressed in this proceeding with respect to Marax Tablets, Marax Syrup, or any other drug product with the same fixed combination of theophylline, ephedrine, and hydroxyzine and the same labeling:

1. Whether there is evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug products; and

2. Whether, on the basis of any such adequate and well-controlled investigations that exist, it could fairly and responsibly be concluded by experts qualified by scientific training and experience to evaluate the effectiveness of drugs that the drug products in question satisfy the combination policy set out in 21 CFR 300.50 and will have the effect that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof (21 U.S.C. 355(d)).

Parties to the Hearing

The parties to the hearing will be FDA's Center for Drugs and Biologics, Roerig, Cord, Barre, and Barrows. The presiding officer will be Administrative Law Judge Daniel J. Davidson. In addition to the parties named above, Parke-Davis, American Home Products Corporation, and any other interested person may participate in the hearing as nonparty participants (see 21 CFR 12.89) provided that they file a notice of participation pursuant to 21 CFR 12.45(a).

Disclosure of Information by the Center and Hearing Participants

Under 21 CFR 12.85, FDA's Center for Drugs and Biologics would normally file with the Dockets Management Branch a narrative statement setting forth its position on the issues for hearing and a summary of the types of evidence to be introduced in support of its position in

the hearing, together with copies of data within the Center's files relating to the issues raised herein, at the time when this notice issues. I am, under 21 CFR 10.19, modifying that requirement to the extent that the Center will be granted until December 17, 1984 to make those submissions. I have concluded that this modification of this regulation in the context of this proceeding does not prejudice any participant in the hearing, serves the ends of justice, is in accordance with law, and thus is authorized by section 10.19. The modification allows the FDA to advise the parties that a hearing is pending on this matter prior to the completion by the Center of the sometimes lengthy process of complying with the requirements of section 12.85.

Interested persons may obtain a copy of the narrative statement, after it is filed, from the Dockets Management Branch, at the address given above. Such persons may also examine the data on the drugs subject to this hearing notice (with the exception of any data identified as confidential pursuant to the provisions of 21 CFR 10.20(j)) at the Dockets Management Branch from 9:00 a.m. to 4:00 p.m., Monday through Friday. Parties and participants, other than the Center for Drugs and Biologics, shall disclose data and information and submit narrative statements pursuant to 21 CFR 12.85 on or before January 15, 1985.

Prehearing Conference

The prehearing conference will be held on February 14, 1985, in the FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857. The hearing will be held in the FDA Hearing Room on a date to be set at the prehearing conference. Written notices of participation shall be filed with the Dockets Management Branch no later than October 17, 1985. All participants are required both to attend the prehearing conference and to be prepared to comply with the provisions of 21 CFR 12.92.

Media Coverage of the Hearing

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard on matters relevant to the issues under consideration.

Because this is a public hearing, it is subject to FDA's guideline concerning the policy and procedures for electronic media coverage of public agency administrative proceedings. This guideline was published in the Federal Register of April 13, 1984 (49 FR 14723).

These procedures are primarily intended to expedite media access to FDA public proceedings, including formal evidentiary hearings conducted pursuant to Part 12 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the testimony of witnesses in the proceeding. Accordingly, the parties and nonparty participants to this hearing, and all other interested persons, are directed to the guideline, as well as the Federal Register notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on this hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (section 505, 52 Stat. 1052 as amended (21 U.S.C. 355)), and under authority delegated to me (21 CFR 5.10), I order that a public hearing be held on the issues set out in this notice.

Dated: September 12, 1984.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 84-24578 Filed 9-14-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 79N-0113; DESI 2847]

Drugs for Human Use; Drug, Efficacy Study Implementation; Parenteral Multivitamin Products; Revocation of Exemption ("Paragraph XIV/Category 11"); Announcement of Effective Formulations; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) revokes the temporary exemption for certain parenteral multivitamin drug products. The exemption has permitted the drug products to remain on the market beyond the time limit scheduled for implementation of the Drug Efficacy Study. The agency also announces those parenteral multivitamin formulations that are effective and the conditions under which they may be marketed. In addition, this notice classifies other formulations as lacking substantial evidence of effectiveness, proposes to withdraw approval of those parts of new drug applications that provide for these formulations, and offers an opportunity for a hearing on the proposal.

DATES: Revocation of exemption effective September 17, 1984;

supplements to conditionally approved new drug applications due on or before November 16, 1984; hearing requests due on or before October 17, 1984; data in support of hearing requests due on or before November 16, 1984.

ADDRESS: Communications in response to this notice should be identified with Docket No. 79N-0113 (DESI 2847), directed to the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, except requests for opinion of applicability are to be sent to the address listed below.

Supplements to the conditionally approved new drug applications (identify with NDA number); Division of Endocrine and Metabolic Drug Products (HFN-810), Rm. 14B-05, Center for Drugs and Biologics.

Original abbreviated new drug applications; Division of Generic Drug Monographs (HFN-230), Center for Drugs and Biologics.

Request for hearing, supporting data, and other comments: Dockets Management Branch (HFA-305), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product; Division of Drug Labeling Compliance (HFN-310), Rm. 216, Center for Drugs and Biologics, 5640 Nicholson Lane, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Nicholas P. Reuter, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

Background

In a notice published in the Federal Register of July 27, 1972 (37 FR 15027), FDA announced its evaluations of reports received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, on certain parenteral multivitamin drug products. The agency stated that the products, as then formulated, lacked substantial evidence of effectiveness for their claimed indications. This conclusion was not based upon any lack of effectiveness for the individual vitamins in the formulations, but because the available formulations lacked certain essential vitamins, or contained too much or too little of other vitamins, or both.

In a followup notice published in the Federal Register of December 14, 1972 (37 FR 26623), parenteral multivitamin products were granted a temporary exemption from the time limits imposed for the implementation of the Drug Efficacy Study. The temporary exemption was based on the recognized

critical medical importance of parenteral multivitamin therapy and the lack of alternative drugs. The exemption allowed the products to remain on the market as then formulated, while complex technical and medical problems were resolved and rational formulations were developed and tested.

To facilitate the determination and evaluation of rational multivitamin formulations, FDA accepted the assistance offered by the American Medical Association (AMA). In December 1975, the AMA submitted its "Guidelines for Multivitamin Preparations for Parenteral Use," which recommended specific amounts of individual vitamins as well as detailed procedures for evaluating the stability, safety, and effectiveness of the formulations.

The AMA report stressed that the guideline formulations were estimated from the existing Recommended Daily Allowance (RDA), which in turn is based on dietary population surveys. The assumptions, applied by the AMA to correlate the established dietary allowances of the essential vitamins to the parenteral administration of vitamins to patients in various disease states, required that clinical trials be conducted to evaluate the guideline formulations.

FDA accepted the AMA guidelines with minor reservations and subsequently in a Federal Register notice published July 13, 1979 (44 FR 40933) amended the terms of the December 1972 temporary exemption to require conditional approval of a new drug application or a supplemental new drug application within specific time frames as a condition for the continued marketing of a parenteral multivitamin drug product. The agency granted conditional approval of applications based on the following criteria: (1) reformation in accord with the AMA guidelines as to the number and quantities of vitamins in the formulation; (2) an outline of studies to evaluate the stability and biological availability of the reformulated preparations, along the lines set forth in the AMA report; and (3) a plan or protocol for clinical effectiveness studies, also in accord with the AMA guidelines. The reformulated products could be marketed in place of the previous formulations after agency review and "conditional" approval of the submissions. This procedure allowed continued marketing of parenteral multivitamins while clinical testing and evaluation of the AMA guidelines formulations were carried out.