14 August 2001

REF: SP00P-1486/CP 1

Claire M. Lathers, Ph.D., F.C.P.
Director, Office of New Animal Drug Evaluation (HFV 102)
FDA, Center for Veterinary Medicine

Dear Dr. Lathers:

This submission is in response to a letter (SP00P-1486/CP 1 dated July 27, 2001) denying our suitability petition submitted on August 29, 2000 regarding Equi Aid Products Inc. sponsoring a generic (ANADA) of Merial's Eqvalan® Paste (NADA 134-314).

Thank you for your response to our petition. We appreciate your comments: however, we view the suitability petition as valid, appropriate, in the public's best interest and in the interest of justice. With this in mind we respectfully request a reconsideration of our suitability petition.

This submission is filed in accordance with 21 CFR Sec. 10.33 Administrative reconsideration of action.

Selections of relevant text of 21 CFR Sec. 10.33 follow: (The emphasis, in the form of underlining, was added by us.)

21 CFR Sec. 10.33 Administrative reconsideration of action.

(a) *The Commissioner ...*

(b) An interested person may request reconsideration of part or all of a decision of the Commissioner on a petition submitted under Sec. 10.25. Each request for reconsideration ....

(c) A petition for reconsideration ...

(d) The Commissioner shall promptly review a petition for reconsideration. The Commissioner may grant the petition when the Commissioner determines it is in the public interest and in the interest of justice. The Commissioner shall grant a petition for reconsideration in any proceeding if the Commissioner determines all of the following apply:

(1) The petition demonstrates that relevant information or views contained in the administrative record were not previously or not adequately considered.

(2) The petitioner's position is not frivolous and is being pursued in good faith.

(3) The petitioner has demonstrated sound public policy grounds supporting reconsideration.

(4) Reconsideration is not outweighed by public health or other public interests.

Request for reconsideration

The following is a request for reconsideration of a decision of the Commissioner on the Equi Aid Products suitability petition (SP 00P-1486/CP 1) petition submitted on August 29, 2000

00P.1486 PRC1

Pete Miller

1517 West Knudsen Drive
Phoenix, Arizona 85027

623-492-9190 623-492-9385 (FAX)

regarding Equi Aid Products Inc. sponsoring a generic (ANADA) of Merial's Eqvalan® Paste. filed in accordance with 21 CFR 10.33.

(Date) 14 August, 2001

PETITION FOR RECONSIDERATION

(SP 00P-1486)

The undersigned submits this petition for reconsideration of the decision of the Commissioner of Food and Drugs in Docket No. SP 00P-1486/CP 1.

A. DECISION INVOLVED

Our suitability petition submitted August 29, 2000 August 29, 2000 regarding Equi Aid Products Inc. sponsoring a generic (ANADA) of Merial's Eqvalan® Paste (NADA 134-314).

In this petition we are interested in statements in your July 27, 2001 letter (REF: SP 00P-1486/CP 1).

◊ Specifically the paragraph concluding that the suitability petition must be denied because foals may not consume enough of the product to get effective treatment and therefore additional effectiveness studies must be performed.

B. ACTION REQUESTED

(The decision which the petitioner requests the Commissioner to make upon reconsideration of the matter.)

We specifically request reconsideration of our suitability petition that would allow us to sponsor an ANADA which differs from Merial's Eqvalan® Paste in dosage form and strength of active ingredient. The generic labeling would be a copy of the approved labeling for the pioneer, except for changes related to the generic sponsor, and changes required because of differences approved under this petition. Because the pioneer labeling specifically states that dosing of foals should begin at 6 to 8 weeks of age, some of which will not have become accustomed to grain or solid feed, we consider the proposed dosage form not always appropriate for this use. Therefore, a change from the pioneer labeling will be required recommending use in young foals after they have become accustomed to grain or solid feed.

C. STATEMENT OF GROUNDS

(A full statement, in a well-organized format, of the factual and legal grounds upon which the petitioner relies. The grounds must demonstrate that relevant information and views contained in the administrative record were not previously or not adequately considered by the Commissioner. (No new information or views may be included in a petition for reconsideration.)

As stated in 21 CFR 10.33 and quoted above there are two circumstances in which a petition can be granted.

- When it is in the public interest and in the interest of justice or when all of the following apply;

  The petition demonstrates that relevant information or views were not adequately considered.
  The petitioner's position is not frivolous and is being pursued in good faith.
  The petitioner has demonstrated sound public policy grounds supporting reconsideration.
  Reconsideration is not outweighed by public health or other public interests.

We believe that a feed based dosage form is in the best interest of the public and in the interest of justice. In addition most if not all of the four conditions stated above are met.

The following is the basis of our position:

1. The only objection was related to the appropriateness of the product for use in foals that have not yet become accustomed to solid feed.
2. Generic Policy Letter #3 Fourth Policy Statement
   The new law requires the labeling of a generic drug product to be the same as the pioneer's labeling except for changes resulting from an approved suitability petition, differences in withdrawal periods, or differences in the manufacturers distributing or producing the products.
3. With regard to use in foals we are agree that approval of this suitability petition would result in the need for a label change concerning use in foals. However, we disagree that additional effectiveness studies would be required.
4. Typically a demonstration of bioequivalence in one class of a particular species on a label is sufficient for approval of all classes within that same species.
5. With regard to this suitability petition the question raised by the Commissioner relates to whether or not individuals within a class (foals) would consume the product as opposed to whether or not it would be safe or effective once it was consumed. It is our position that decisions determining whether or not the product can be effectively administered to an individual foal is a husbandry question best left in the hands of the caretaker or veterinarian as opposed to being determined *a priori* by the Commissioner. We do agree that the label should be changed as a result of this suitability petition to more directly address this issue.
   - The public interest would be served by having a chewable dosage form available.
   - The public interest is not served by repetition of studies that have already documented the safety and efficacy of ivermectin.
   - Public health interest would not be impacted by approval of this suitability petition.
   - The interest of the FDA are not served in that safety and efficacy are the primary FDA concerns and safety and efficacy has already been established by the pioneer.
   - The interest of Equi Aid, the animal health industry and citizens of the United States are not served any time redundant studies are required which serve no purpose with regard the public interest.
   - The interest of Equi Aid, the animal health industry and citizens of the United States are not served any time a legitimate product is prevented from going to market.

- With regard to public policy grounds, Animal drug availability, product innovation, appropriate interpretation of laws and elimination of redundancy in animal studies are stated policies of the FDA Center for Veterinary medicine. Examples follow:

The following are excerpts from the FDA Veterinarian January/February 1996, Vol. IX No. **"WHY VETERINARY DRUGS ARE NOT ALWAYS AVAILABLE"**

"CVM has adopted a new strategic plan which emphasizes the Center's role in enabling the availability of effective animal drugs, food additives, feed ingredients, medicated feeds, and animal devices that are safe to animals, humans, and the environment."

"The Center is very sensitive to veterinarians' need for effective and safe drug therapies to provide for the health and welfare of animals under their care."

"CVM also recognizes that veterinarians are concerned when they seem to have a shrinking supply of approved animal drugs on the market. In addition, some have questioned why certain drug products have been withdrawn from the market when there are no approved products to replace them."

"CVM is improving the drug approval process to encourage more drug companies to pursue NADAs."

"This must be a cooperative effort by everyone associated with or affected by the use of animal drugs."

"CVM is completely committed to improving the availability of approved new animal drugs and can be the catalyst to bring all the appropriate parties together."

"In addition, the number one goal in the new CVM strategic plan is to "reengineer product evaluation, surveillance and compliance, research, and administrative processes, and promote international harmonization to increase the availability and diversity of safe and effective products." "

The following excerpt also discusses this issue.

Current Issues at CVM[1]

"The need for CVM to be pro-active in increasing the availability of safe and effective animal drugs is a central principle of the Center's Strategic Plan. Legislative proposals to increase the availability of new animal drugs have been introduced .....

In addition to providing assistance to Congress, we are taking actions on our own to the extent possible within the existing statute

.....These groups hope to accomplish this goal through increased (enhanced) drug availability; the marketing of dose ranged products; facilitating the approval of product supplements ....

... Through this initiative, CVM hopes to encourage better use of scientific principles and "state of the art" technology in an attempt to minimize drug development costs.

The following are excerpts of GADPTRA policy letters.

Generic Policy Letter #3 Fifth Policy Statement

The position could be taken that the new law does not provide for the generic product to obtain exclusivity for an innovation, and the pioneer can not copy a generic innovation.....

However, CVM has tentatively decided to adopt interpretations of the law which provide exclusivity for innovation by the generic sponsor and which would permit the pioneer sponsor to copy a generic innovation.....meet important goals of the generic legislation:

- ◊ to avoid duplicate research,
- ◊ to provide incentive for generic sponsors to innovate and
- ◊ to make the conditions of use of the pioneer and generic drugs the same to the maximum extent possible.

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[1] FDA Veterinarian January/February 1996, Vol. IX No.I, Current Issues At CVM, Excerpts from a presentation made by Dr. Sundlof at the 39th Annual Educational Conference of the Food and Drug Law Institute (Dec. 13, 1995)

Generic Policy Letter #3 Fourth Policy Statement

The new law requires the labeling of a generic drug product to be the same as the pioneer's labeling except for changes resulting from an approved suitability petition, differences in withdrawal periods, or differences in the manufacturers distributing or producing the products.

6. Justice is not served when a regulatory body imposes restrictions which serve no useful purpose.

Again thank you for reviewing our previous petition and for considering this request. If you have any questions or need additional information please let me know.

Sincerely,

Peter R. Miller DVM, MS

Equi Aid Products, Inc.
1717 West Knudsen Drive
Phoenix, AZ 85027

Phone 602 492 9190
FAX 602 492 9385
E-Mail pete.miller@equiaid.com

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

JUL 26 2001

SP 00P-1486/CP 1

Peter R. Miller DVM, MS
Equi Aid Products, Inc.
1517 West Knudsen Drive
Phoenix, AZ 85027-1307

Dear Dr. Miller:

We refer to your suitability petition filed August 29, 2000, in which you requested permission to submit an abbreviated new animal drug application (ANADA) for a generic product that differs from an approved new animal drug in strength and dosage form. The approved pioneer product referenced in your petition is Merial LTD's Eqvalan® Paste (ivermectin) which is intended for use in horses, including mares, yearlings, and foals 6 to 8 weeks of age and older (NADA 134-314).

We informed you by telephone on January 11, 2001, that the letter faxed to you on December 27, 2000, approving your petition was inadvertently released before the Center's review of the petition was complete. We have now completed our evaluation of your petition and this letter is my ruling on it.

Your proposed product differs from the pioneer product in strength and dosage form. The pioneer product is an oral paste, whereas your proposed product is a packet containing five chewables that are administered via hand-feeding, top-dressing or mixing in a small amount of feed. The dosage of active ingredient per pound of body weight will be the same.

Changes in strength and dosage form are variances from the pioneer product which can be considered through a suitability petition, under section 512(n)(3) of the Federal Food, Drug, and Cosmetic Act. Pursuant to that provision, we are required to approve a petition for a new animal drug intended for use in a non-food animal unless we determine that investigations must be conducted to show the safety and effectiveness of the differences in the proposed generic product.

We have concluded that your suitability petition must be denied because studies must be conducted to show the effectiveness of the proposed dosage form in horses. Unlike the pioneer product, the proposed generic would be administered orally via hand-feeding, top-dressing, or mixing in a small amount of feed. We are concerned that foals may not consume an adequate amount of your proposed drug product when administered via feeding to get effective treatment.

However, you may wish to submit a hybrid application as described in our Seventh GADPTRA Policy Letter, dated March 20, 1991, which combines the elements of an ANADA and an NADA. The exact requirements of a hybrid application depend on the product for which the

application is submitted and may include a bioequivalence study and any additional studies required for approval of the application. Therefore, we recommend that you arrange a meeting with us to discuss the studies we believe will be necessary and that you submit protocols for our review before initiating any in vivo studies.

If you disagree with our denial of your suitability petition, you may petition for reconsideration of the denial following the procedures set forth in 21 CFR 10.33. Such petition should be submitted in accordance with § 10.20 in the format outlined in § 10.33. The petition must be based solely on the information and views contained in your original petition. The petition for reconsideration should be submitted no later than 30 days after the date of this denial of the suitability petition and must be filed with the Dockets Management Branch, Food and Drug Administration, HFA-305, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please refer to docket number 00P-1486 in any submission regarding this original suitability petition.

If there is additional information not included as part of your original submission that you would like the agency to consider, you should submit a new petition under § 10.30 and include all necessary information to the Dockets Management Branch at the address noted above.

This action in response to your suitability petition does not alter the requirements for approval of a new animal drug, nor assure approval of the new animal drug.

If you have any questions regarding this letter, please call Dr. Allen Rudman, Deputy Director, Office of New Animal Drug Evaluation, (301) 827-0204.

Sincerely yours,

Claire M. Lathers

Claire M. Lathers, Ph.D., F.C.P.
Director
Office of New Animal Drug Evaluation
Center for Veterinary Medicine

FOOD AND DRUG ADMINISTRATION
CENTER FOR VETERINARY MEDICINE

FACSIMILE TRANSMISSION RECORD

DATE: WEDNESDAY, DECEMBER 27, 2000	TIME: 2:01:42 PM
TO: (NAME, ORGANIZATION, CITY AND STATE) DR. PETER R. MILLER EQUI AID PRODUCTS, INC.	FROM: (NAME, ORGANIZATION, CITY AND STATE) IRMA M. CARPENTER APPLICATIONS EXAMINER **QUALITY ASSURANCE SUPPORT TEAM** ***HFV-102***
FAX (623) 492-9385	DHHS/FDA/CVM/ONADE/***HFV-102*** **TEL. (301) 594-1620** ***FAX (301) 594-2297***
TEL. (623) 492-9190	METRO PARK NORTH II 7500 STANDISH PLACE, ROCKVILLE MD 20855

(Telephone 301-594-1620 immediately if re-transmission is necessary)

Number of pages including cover sheet: 3 pages

CVM/ONADE FAX NUMBER (301) 594-2297

_____

Signature

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

DEC 27 2000

SP 00P-1486/CP 1

Peter R. Miller DVM MS
Equi Aid Products, Inc.
1517 West Knudsen Drive
Phoenix, AZ 85027-1307

Dear Dr. Miller:

We refer to your suitability petition filed August 29, 2000, in which you requested permission to submit an abbreviated new animal drug application (ANADA) for a generic product that differs from that of an approved new animal drug in dosage form and strength. The proposed pioneer product is Merial LTD's Eqvalan® Paste (ivermectin) which is intended for use in horses (NADA 134-314).

Your proposed product differs from the pioneer product in dosage form and therefore delivery method. The pioneer product is an oral paste, whereas your proposed product is a chewable that is administered by hand feeding, top-dressing or mixing in a small amount of feed.

Your proposed product also differs from the pioneer product in strength. The pioneer product is formulated in a paste syringe containing 1.87 % ivermectin. Each weight marking on the syringe plunger is intended to deliver 22.7 mg ivermectin per 250 lb. body weight. The proposed generic product consists of 5 chewables of undisclosed weight, each containing 22.7 mg of ivermectin, and intended to deliver one chewable per 250 lb. body weight. Both products provide the same dosage of 200 µg/kg of body weight, as a single treatment.

Changes in dosage form and strength are two of the five variances in the pioneer product which can be considered through a suitability petition under section 512(n)(3) of the Federal Food, Drug, and Cosmetic Act, as amended. We are required to approve the petition unless we determine that investigations must be conducted to establish the safety and effectiveness of the proposed generic product.

Your suitability petition is approved. Approval of the suitability petition does not alter the requirements for approval of the ANADA, nor assure approval of the ANADA.

In addition to the study to show bioequivalence between the pioneer and generic products, we may require you to conduct a palatability study with the generic product. Palatability is not directly related to effectiveness. Palatability studies may be required in an ANADA with regard to the change in dosage form under section 512(n)(1)(D) of the FFDCA. We recommend that you submit protocols for our evaluation before initiating any studies.

The generic labeling should be a verbatim copy of the approved labeling for the pioneer, except for changes related to the generic sponsor, and changes required because of differences approved under this petition. Because the pioneer labeling specifically states that dosing of foals should begin at 6 to 8 weeks of age, some of which will not have become accustomed to grain or solid feed, we consider the proposed dosage form inappropriate for this use. Therefore, a change from the pioneer labeling will be required recommending against use in young foals not yet accustomed to grain or solid feed.

We will conduct a definitive labeling review, and provide specific comments on the differences in labeling, when the ANADA for the proposed generic product is submitted to the Center.

You may contact Dr. Lonnie W. Luther, Chief, Generic Animal Drug and Quality Assurance Staff, (301) 827-0209, for any questions on the specific requirements for the ANADA submission.

Sincerely yours,

Claire M. Lathers, Ph.D., F.C.P.
Director
Office of New Animal Drug Evaluation
Center for Veterinary Medicine

11-Aug-00

EQUI AID PRODUCTS, INC.

Dr. Lonnie Luther
FDA, CVM HFC 102 Room 387
Generic Drug Branch
7500 Standish Place
Rockville, MD 20855

Dear Dr. Luther;

I have enclosed a Suitability Petition submission in reference to JINAD 10-664, ivermectin paste for horses. The reference (pioneer) product is Eqvalan® Paste for Horses; NADA 134-314 sponsored by Merial Ltd.

This submission is based on the Pre-ANADA Activities, ANADA Suitability Petition section in the second policy letter on the implementation of the Generic Animal Drug and Patent Term Restoration Act dated June 7, 1989.
Specifically the Pre-ANADA Activities, ANADA Suitability Petition section in the second policy letter states:

> "The filing of a Suitability Petition provides a means by which a firm may request permission to file an ANADA for a product which differs from the approved pioneer product.
> The specific variances under the Act for which a Suitability Petition may be submitted are as follows:
> 1. Change of one ingredient in a combination product or premix
> 2. Change of a dosage form
> 3. Change of a strength of an ingredient
> 4. Change in route of administration
> 5. Change in use with other animal drugs in animal feed."

Equi Aid is requesting permission to file an ANADA that differs from the pioneer in that the pioneer is a paste oral dosage form containing 1.87% ivermectin and the proposed product would be a chewable containing 22.7 mg ivermectin per chewable. Thus the proposed product would differ in dosage form, and strength.

The proposed generic product would contain animal feeds as inactive ingredients and would be administered via hand feeding, top-dress on feed or by mixing in the horses grain ration.

Sincerely;

Peter R. Miller DVM MS

623-492-9190
1517 West Knudsen Drive
Phoenix, Arizona 85027
623-492-9385 (FAX)

Equi Aid Suitability Petition
Ivermectin Chewable Wormer for Horses
JINAD 10-664
11-Aug-00

Table of Contents

Cylicodontophorus spp. *Cylicostephanus* spp.);
pinworms (adult and fourth stage larvae) (*Oxyuris equi*);
ascarids (third - and fourth-stage larvae and adults) (*Parascaris equorum*);
hairworms (adult) (*Trichostongylus axei*);
large mouth stomach worms (adult) (*Habronema muscae*);
stomach bots (oral and gastric stages) (*Gastrophilus* spp.);
lungworms (adults and fourth stage larvae) (*Dictyocaulus arnfieldi*);
intestinal threadworms (adults) (*Strongyloides westeri*);
summer sores caused by *Habronema* and *Draschia* spp. cutaneous third stage larvae; and
dermatitis caused by neck threadworm microfilariae (*Onchocerca* spp.).
Limitations.
For oral use only.
Do not use in horses intended for food purposes.
Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

ii) Description of the proposed product Ivermectin Chewable Wormer for Horses

JINAD 10-664 Ivermectin Chewable Wormer for Horses

Tradename:	**(Not yet established)**
Ref Number:	JINAD 10-664
Sponsor:	Equi Aid Products, Inc.
Ingredients:	Ivermectin
Species:	Equine, Horses not for meat production
Rx or OTC:	OTC
Route of Administration:	Per Os
Drug Forms:	chewable

Proposed CFR Information: 520.1193 Ivermectin Tablets and Chewables.
Specifications: Contains 22.7 mg ivermectin per chewable.
Conditions of use:
It is used as follows;....
Horses
Amount.
200 micrograms per kilogram of body weight as a single treatment.
Indications for use.
It is used in horses for the treatment and control of
large strongyles (adult) (*Strongylus equinus*), (adult and arterial larval stages) (*Strongylus vulgaris*), (adult and migrating tissue stages) (*Strongylus endentatus*), (adult);
small strongyles, including those resistant to some benzimidazole class compounds (adult and fourth stage larvae) (*Cyathostomum* spp. *Cylicocyclus* spp., *Cylicodontophorus* spp. *Cylicostephanus* spp.) (*Triodontophorus* spp.[1]);
pinworms (adult and fourth stage larvae) (*Oxyuris equi*);
ascarids (third- and fourth-stage larvae and adults) (*Parascaris equorum*);
hairworms (adult) (*Trichostongylus axei*);

[1] *Triodontophorus* spp is not generally considered a large strongyle. Currently, it is typically classified as a small strongyle.

large mouth stomach worms (adult) (*Habronema muscae*);
stomach bots (oral and gastric stages) (*Gastrophilus* spp.);
lungworms (adults and fourth stage larvae) (*Dictyocaulus arnfieldi*);
intestinal threadworms (adults) (*Strongyloides westeri*);
summer sores caused by *Habronema* and *Draschia* spp. cutaneous third stage larvae; and
dermatitis caused by neck threadworm microfilariae (*Onchocerca* spp.).
Limitations.
For oral use only.
Do not use in horses intended for food purposes.
Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

(b) Proposed Changes

i) Dosage Form

- **Pioneer**
  The pioneer product is an oral dosage form (Paste) New Animal Drug (CFR Reference: 21 CFR 520.1192).
- **Generic**
  The proposed generic product is an oral dosage form (chewable) New Animal Drug (CFR Reference: 21 CFR 520.1193).

ii) Active Ingredients

Equi Aid is not proposing changes in the active ingredient.

iii) Strength

- **Pioneer**
  The pioneer product contains ivermectin at 1.87% ivermectin.
- **Generic**
  The proposed generic product would contain 22.7 mg ivermectin per chewable.

iv) Route of administration

- **Pioneer**
  The pioneer product is administered orally.
  Oral administration is via a paste syringe
- **Generic**
  The proposed generic product is administered orally.
  Oral administration is via hand-feeding, top-dressing on the horse's grain ration or mixing in the horse's grain ration.

(c) Justification for the proposed variances

i) General

Providing a palatable feed-based product as proposed would be beneficial in regard to both safety and efficacy because feeding the product would be expected to reduce difficulty of administration and possible rejection of the dose.
The change in strength is necessitated by the change in dosage form.

ii) Palatable Medications are a common means of drug delivery.

The use of palatable products as a means of drug delivery, including anthelmintic drugs, is well established. Other suitability petitions have been approved which allow for changing to a palatable "top-dress" or "mix-with-feed" type product (Petition 89P0509 and 96P0438).

iii) Change in strength

The proposed strength (22.7 mg/chewable) is appropriate to deliver a 200 ug ivermectin per kg body weight dose. (one chewable per 250 pounds of body weight; five chewables per 1250 lb horse).

The Pioneer paste is 1.87% ivermectin and has a net weight of 6.08 g. A 1250 pound horse weighs approximately 567 kg and should receive the entire net contents of the tube 6.08 g paste or approximately 113.7 mg ivermectin. This amounts to the labeled dose of 200 ug/kg body weight.

The proposed packet of five chewables would contain 22.7 mg ivermectin per chewable. A 1250 pound horse weighs approximately 567 kg and should receive all five of the chewables resulting in 113.5 mg ivermectin. This amounts to the labeled dose of 200 ug/kg body weight.

iv) Change in route of administration

- **Both products would be administered per os (by mouth)**

Pioneer Label Dosage and Administration: This syringe contains sufficient paste to treat one 1250 lb horse at the recommended dose rate of 91 mcg ivermectin per lb (200 mcg/kg) body weight. Each weight marking on the syringe plunger delivers enough paste to treat 250 lb body weight. (1) While holding the plunger, turn the knurled ring on the plunger ¼ turn to the left and slide it so the side nearest the barrel is at the prescribed weight marking. (2) Lock the ring in place by making a ¼ turn to the right. (3) Make sure that the horse's mouth contains no feed. (5) insert the syringe tip into the horse's mouth at the space between the teeth. (6) Depress the plunger as far as it will go, depositing the paste on the back of the tongue. (7) Immediately raise the horse's head for a few seconds after dosing.

Proposed Generic Label Dosage and Administration: This package contains 5 chewables sufficient to treat one 1250 lb horse at the recommended dose rate of 91 mcg ivermectin per lb (200 mcg/kg) body weight. Each chewable contains enough ivermectin to treat 250 lb body weight. Administer by hand feeding, as a top-dress on the horse's grain ration or mixed in the horse's grain ration.

4. Additional Essential Elements of a Petition

The Pre-ANADA Activities, ANADA Suitability Petition section in the second policy letter on the implementation of the Generic Animal Drug and Patent Term Restoration Act dated June 7, 1989 under "Additional essential elements of a petition" lists two items:

1) identification of a single listed drug which is the basis of the petition (which is addressed above) and

2) pioneer and proposed product labeling with differences noted and explained.

(a) Comparison of Pioneer and Proposed Product Labels

i) Immediate Closure Label

The pioneer's immediate closure is a syringe.
The pioneer's immediate closure label consists of an adhesive label wrapped around the syringe barrel.
The proposed generic product's immediate container label would be an integral part of the package and could be printed front and back.

- **For Use in Horses only**
  Appears at the very top of the pioneer label prior to the product name.
  Appears immediately after the product name on the proposed generic label.
- **PRODUCT NAME**
  Is prominent and appears near the top of the pioneer label and the proposed generic label.
- **Active Ingredient, Dosage Form and Strength**
  The text "(ivermectin) Paste 1.87%" appears on the pioneer label immediately following the pioneer name.
  On the proposed generic label the product name would be descriptive of the dosage form (i.e. chewable) or the dosage form would described immediately following the name. The active ingredient and the strength (ivermectin 22.7 mg/chewable) would appear on the proposed generic label immediately following the proposed generic name.
- **Anthelmintic and Boticide**
  The words "Anthelmintic and Boticide" appear on both the pioneer and proposed generic label after the active ingredient, dosage form and strength.
- **Abbreviated Indications**
  Both the pioneer and proposed product display indications that are abbreviated in that only the common names of the parasites are listed. The pioneer label omits lungworms, intestinal thread worms and summer sores from the abbreviated indications on the immediate closure. The proposed generic label would include the lungworms, intestinal thread worms and summer sores in the abbreviated indications. Both labels refer the user to the carton or attached labeling for complete indications. Both labels instruct the user to consult their veterinarian for assistance in the diagnosis, treatment and control of parasitism.
- **Warning and Caution Statements**
  Both immediate container labels have the same text for the warning and caution statements.
- **Size / Amount**
  Both the pioneer and proposed products list the container size/amount on the bottom of the label. The pioneer product (syringe) has a net weight of 0.21 OZ (6.08 g). The proposed product would indicate 5 chewables per package).
- **Lot Expiration Date and Name of Sponsor**
  Both the pioneer and proposed products show the lot number, expiration date and sponsor name on the bottom of the immediate container label. The proposed product would also have a UPC code on the immediate container.

- **Additional Label information**
  The package would have the product name, dosage form, active ingredient, strength, "Anthelmintic and Boticide", "For Oral Use in Horses Only", the size/amount and the sponsor name on the inside or back of the package closure. This information is the same as on the other side of the immediate closure as described above.
  The text "removes worms and bots with a single dose" is the same text as appears on the front of the pioneer secondary label.
  The pioneer administration labeling on the immediate closure consists of the syringe plunger being labeled in 250 lb increments up to 1250 pounds. This is similar to the dosing instructions described above (Contents will treat up to 1250 lb body weight", "One chewable per 250 pounds body weight") for the proposed generic product.

ii) Secondary container label or package insert

The secondary container for the pioneer is a clear plastic sleeve.
The secondary container label for the pioneer is a folded adhesive label attached to the sleeve.
The secondary closure for the proposed generic product is a box.
The secondary closure label for the proposed generic product is printed on the box.

- **Name, Active Ingredient, Dosage Form, Strength, "Anthelmintic Boticide" and "For Oral Use in Horses Only".**
  These items are the same as described for the immediate closure except for the "For Oral Use in Horses Only" text on the pioneer label appears further down the label.

- **"Removes worms and bots with a single dose" and "Contents will treat up to 1250 lb body weight.".**
  This text appears below the "Anthelmintic and Boticide" text on both the pioneer and generic labels. The proposed generic label adds the text "One chewable for each 250 lb body weight".

- **Indications**
  The indications are the same for the pioneer and proposed products.
  NOTE: Recently the *Triodontophorus* spp. have more commonly been included with the small strongyles as opposed to large strongyles as was done in the past. Therefore, the *Triodontophorus* spp. appears under the small strongyle heading on the generic label instead of the large strongyle heading.

- **Dosage and Administration**
  The proposed changes in the Dosage and Administration label text are addressed in the proposed changes above. See "Change in route of administration" above.

- **Parasite Control Program and Product Advantages, Safety, Warning, Caution and Note to User**
  The text of the pioneer and generic labels are the same for the Parasite Control Program, Product Advantages, Safety, Warning, Caution and Note to user sections.[2]

- **Net Weight/Amount, Trade Mark, Patent, Sponsor name**
  Both labels have net weight/amount and sponsor name near the end of the label. The pioneer label has patent and trade mark information that does not apply to the generic product. The proposed generic label would include lot number, expiration date and UPC code.

5. Environmental Impact

Equi Aid Products, Inc. requests, under 21 CFR 25.30 (h) categorical exclusion from the requirement for an environmental assessment. To the best of my knowledge no extraordinary circumstances exist that may affect the human environment.

6. Economic Impact

An "Economic Impact" section has not been requested. Equi Aid Products, Inc. will provide an "Economic Impact" statement upon the Commissioner's request.

7. Certification

I, Peter R. Miller DVM, MS, acting as Equi Aid's representative, have included all information known to me which is unfavorable to this petition.

Peter R. Miller DVM, MS
Equi Aid Products, Inc.
1517 W. Knudsen Dr.
Phoenix, AZ 85027
(623) 587 6082.

Peter R. Miller DVM MS 11-Aug-00

[2] The name of the generic product appears in place of the pioneer product name. On the generic label the generic product name or a product description (chewable) is used in place of the term "paste".

Product 25874 For Oral Use in Horses Only

Eqvalan®

(Ivermectin) Paste 1.87%

Anthelmintic and Boticide

For Treatment of Large Strongyles, Small Strongyles, Pinworms, Roundworms (Ascarids), Hairworms, Neck Threadworms, Large-mouth Stomach Worms, Bots. See carton or attached labeling for complete indications and use directions. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

NET WT 0.21 OZ (6.08 g) Made in U.S.A.

WARNING: Do not use in horses intended for food purposes.

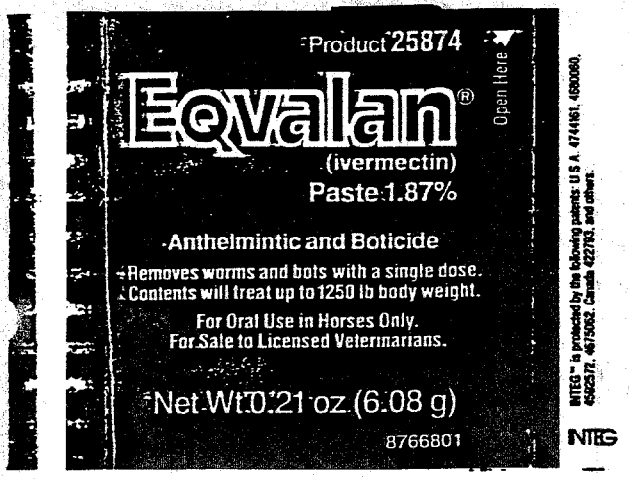
CAUTION: Refrain from smoking or eating when handling. Wash hands after use. Avoid contact with eyes. Keep this and all drugs out of the reach of children.

Lot No & Exp Date HBK056 10-2001

MERCK AgVet Division

8610304 Merck & Co., Inc. Rahway, New Jersey 07065-0912, U.S.A.

Label on syringe of Pioneer product



INDICATIONS: Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism. EQVALAN® (ivermectin) Paste provides effective control of the following parasites in horses. **Large Strongyles** (adults) — *Strongylus vulgaris* (also early forms in blood vessels), *S. edentatus* (also tissue stages), *S. equinus*, *Triodontophorus* spp; **Small Strongyles** including those resistant to some benzimidazole class compounds (adults and fourth-stage larvae) — *Cyathostomum* spp, *Cylicocyclus* spp, *Cylicostephanus* spp, *Cylicodontophorus* spp; **Pinworms** (adults and fourth-stage larvae) — *Oxyuris equi*; **Ascarids** (adults and third- and fourth-stage larvae) — *Parascaris equorum*; **Hairworms** (adults) — *Trichostrongylus axei*; **Large-mouth Stomach Worms** (adults) — *Habronema muscae*; **Bots** (oral and gastric stages) — *Gastrophilus* spp; **Lungworms** (adults and fourth-stage larvae) — *Dictyocaulus arnfieldi*; **Intestinal Threadworms** (adults) — *Strongyloides westeri*; **Summer Sores** caused by *Habronema* and *Draschia* spp cutaneous third-stage larvae; Dermatitis caused by neck threadworm microfilariae, *Onchocerca* sp.

1 2

DOSAGE AND ADMINISTRATION: This syringe contains sufficient paste to treat one 1250 lb horse at the recommended dose rate of 91 mcg ivermectin per lb (200 mcg/kg) body weight. Each weight marking on the syringe plunger delivers enough paste to treat 250 lb body weight.

(1) While holding plunger, turn the knurled ring on the plunger 1/4 turn to the left and slide it so the side nearest the barrel is at the prescribed weight marking. (2) Lock the ring in place by making a 1/4 turn to the right. (3) Make sure that the horse's mouth contains no feed. (4) Remove the cover from the tip of the syringe. (5) Insert the syringe tip into the horse's mouth at the space between the teeth. (6) Depress the plunger as far as it will go, depositing paste on the back of the tongue. (7) Immediately raise the horse's head for a few seconds after dosing.

PARASITE CONTROL PROGRAM: All horses should be included in a regular parasite control program with particular attention being paid to mares, foals and yearlings. Foals should be treated initially at 6 to 8 weeks of age, and routine treatment repeated as appropriate. Consult your veterinarian for a control program to meet your specific needs. EQVALAN® (ivermectin) Paste effectively controls gastrointestinal nematodes and bots of horses. Regular treatment will reduce the chances of verminous arteritis caused by *Strongylus vulgaris*.

3

PRODUCT ADVANTAGES: Broad-spectrum Control —EQVALAN Paste kills important internal parasites, including bots and the arterial stages of *S. vulgaris*, with a single dose. EQVALAN Paste is a potent anti-parasitic agent that is neither a benzimidazole nor an organophosphate. ***Safety*** – EQVALAN Paste may be used in horses of all ages, including mares at any stage of pregnancy. Stallions may be treated without adversely affecting their fertility.

WARNING: Do not use in horses intended for food purposes.

4

CAUTION: EQVALAN (ivermectin) Paste has been formulated specifically for use in horses **only**. This product should not be used in other animal species as severe adverse reactions, including fatalities in dogs, may result.

Refrain from smoking and eating when handling. Wash hands after use. Avoid contact with eyes. **Keep this and all drugs out of the reach of children.**

Ivermectin and excreted ivermectin residues may adversely affect aquatic organisms. Do not contaminate ground or surface water. Dispose of the syringe in an approved landfill or by incineration.

NOTE TO USER: Swelling and itching reactions after treatment with EQVALAN Paste have occurred in horses carrying heavy infections of neck threadworm (*Onchocerca* sp microfilariae). These reactions were most likely the result of microfilariae dying in large numbers. Symptomatic treatment may be advisable. Consult your veterinarian should any such reactions occur. Healing of summer sores involving extensive tissue changes may require other appropriate therapy in conjunction with treatment with EQVALAN (ivermectin) Paste. Reinfection, and measures for its prevention, should also be considered. Consult your veterinarian if the condition does not improve.

5

EACH SYRINGE CONTAINS 0.21 OZ (6.08 g) IVERMECTIN PASTE

EQVALAN REG TM
MERCK & CO., INC.

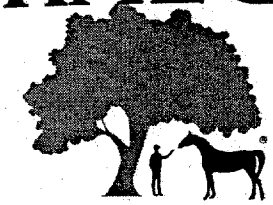
U.S. Pat. 4,199,569 Made in U.S.A.

MERCK AgVet Division

Merck & Co Inc
Rahway New Jersey 07065-0912 U S A

Fold out label on plastic sleeve of Pioneer product

IVERMECTIN



Chewable Wormer

Ivermectin 22.7 mg/chewable

Anthelmintic and Boticide

Removes worms and bots with a single dose.
Contents will treat up to 1250 lb body weight
One chewable for each 250 pounds body weight

For Oral Use in Horses Only

5 Chewables per package

Equi Aid Products, Inc.
Phoenix, AZ

EQUI AID PRODUCTS, INC.

IVERMECTIN

Chewable Wormer

For Oral use in Horses only Ivermectin 22.7 mg/chewable

Contents will treat up to 1250 lb body weight
One chewable for each 250 lb body weight

Anthelmintic and Boticide

For treatment of Large Strongyles, Small Strongyles, Pinworms, Roundworms (Ascarids), Hairworms, Neck Threadworms, Large-Mouth Stomach Worms, Bots, Lungworms, Intestinal Threadworms, and Summer Sores. See carton or attached labeling for complete indications and use directions. Consult your veterinarian for assistance in the diagnosis, treatment and control of parasitism.

WARNING: DO NOT USE IN HORSES INTENDED FOR FOOD PURPOSES

CAUTION: Refrain from smoking or eating when handling. Wash hands after use. Avoid contact with eyes.
Keep this and all drugs out of the reach of children.

5 Chewables per package

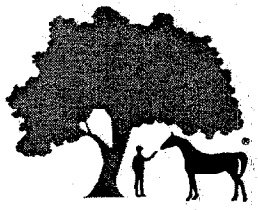
Lot #

Exp. Date

EQUI AID PRODUCTS, INC.

Bar Code

IVERMECTIN



Chewable Wormer

Ivermectin 22.7 mg/chewable

Anthelmintic and Boticide

Removes worms and bots with a single dose.
Contents will treat up to 1250 lb body weight
One chewable for each 250 pounds body weight

For Oral Use in Horses Only

5 Chewables per package

Equi Aid Products, Inc.
Phoenix, AZ

INDICATIONS Consult your veterinarian for assistance in the diagnosis, treatment and control of parasitism.
Ivermectin Chewable Wormer provides effective control of the following parasites in horses.
Large Strongyles (adults) *Strongylus vulgaris*, (also early forms in blood vessels), *S. endentatus* (also tissue stages), *S. equinus;*
Small Strongyles, including those resistant to some benzimidazole class compounds (adult and fourth stage larvae) *Cyathostomum* spp., *Cylicocyclus* spp., *Cylicostephanus* spp., *Cylicodontophorus* spp., (adult) *Triodontophorus* spp.;
Pinworms (adult and fourth stage larvae) *Oxyuris equi*;
Ascarids (adults and third- and fourth-stage larvae) *Parascaris equorum*;
Hairworms (adult) *Trichostongylus axei*;
Large Mouth Stomach Worms (adults) *Habronema muscae*;
Bots (oral and gastric stages) *Gastrophilus* spp.;
Lungworms (adults and fourth stage larvae) *Dictyocaulus arnfieldi*;
Intestinal Threadworms (adults) *Strongyloides westeri*;
Summer Sores caused by *Habronema* and *Draschia* spp. cutaneous third-stage larvae;
Dermatitis caused by neck threadworm microfilariae, *Onchocerca* sp.

DOSAGE AND ADMINISTRATION: This package (all 5 chewables) contains sufficient Ivermectin Chewable Wormer to treat one 1250 pound horse at the recommended dose rate of 91 mcg ivermectin per lb (200 mcg/kg) body weight. Each chewable contains enough ivermectin (22.7 mg) to treat 250 lb body weight. Hand feed as a treat, administer as a top-dress on feed or mix with the horses daily grain ration.

PARASITE CONTROL PROGRAM: All horses should be included in a regular parasite control program with particular attention being paid to mares, foals and yearlings. Foals should be treated initially at 6 to 8 weeks of age, and routine treatment should be repeated as appropriate. Consult your veterinarian for a control program to meet your specific needs. Ivermectin Chewable Wormer effectively controls gastrointestinal nematodes and bots of horses. Regular treatment will reduce the chances of verminous arteritis and colic caused by *Strongylus vulgaris*.

PRODUCT ADVANTAGES: ***Broad-spectrum Control*** -Ivermectin Chewable Wormer kills important internal parasites, including bots and the arterial stages of *Strongylus vulgaris*, with a single dose. Ivermectin Chewable Wormer is a potent anti-parasitic agent that is neither a benzimidazole nor an organophosphate

SAFETY: Ivermectin Chewable Wormer may be used in horses of all ages, including mares at any stage of pregnancy. Stallions may be treated without adversely affecting their fertility

WARNING: DO NOT USE IN HORSES INTENDED FOR FOOD PURPOSES

CAUTION: Ivermectin Chewable Wormer has been formulated specifically for use in horses **only**. This product should not be used in other animal species as severe adverse reactions, including fatalities in dogs, may result. Refrain from smoking and eating when handling. Wash hands after use. Avoid contact with eyes ***Keep this and all drugs out of reach of children.***

Note to User: Swelling and itching reactions after treatment with Ivermectin Chewable Wormer has occurred in horses carrying heavy infestations of neck threadworm (Onchocera sp. microfilariae). These reactions were most likely the result of microfilariae dying in large numbers. Symptomatic treatment may be advisable. Consult your veterinarian should any such reactions occur. Healing of summer sores involving extensive tissue changes may require other appropriate therapy in conjunction with treatment with Ivermectin Chewable Wormer. Reinfestation, and measures for its prevention, should be considered. Consult your veterinarian if the condition does not improve.

Each package contains 5 chewables

Lot No. & Exp. Date

BAR CODE

EQUI AID PRODUCTS, INC.®
Phoenix, AZ 85027

IVMT-BL-0G1

Call 1-800-PICK-UPS (1-800-742-5877) or visit our Web site at www.ups.com

1 OF 1

EQUI AID PRODUCTS, INC
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1

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