Questions and Answers for Consumers about Unapproved Drugs

What should consumers and health professionals know about medicines that are unapproved?

While most prescription drugs marketed in the U.S. have been reviewed and approved as required by FDA, some unapproved prescription drugs are marketed by companies, prescribed by physicians, and taken by patients.

Some unapproved drugs, such as phenobarbital, used to control seizures, are very important therapies in the treatment of significant medical conditions and appear to have benefits for patients, so patients should not stop taking an unapproved drug without talking to their doctor first to determine their best treatment options. However, being unapproved means a drug's safety, effectiveness, manufacturing, and labeling have not been specifically reviewed by FDA.

What does FDA approval of a prescription drug mean to the public?

FDA approval means not only that the product has been reviewed for safety and effectiveness, it means the agency has reviewed manufacturing quality, inspected manufacturing controls, and has reviewed the product labeling to ensure it adequately conveys the drug's benefits and risks. It also means that the drug product is consistently monitored for safety, effectiveness, and adherence with manufacturing quality standards.

How many unapproved prescription drugs are there?

FDA estimates that there are several hundred different unapproved prescription drug active ingredients on the market. We estimate that less than 2% of prescribed drugs are unapproved.

In some cases, no company may have approval for a drug. In other cases, one or more companies may have approval for a drug, but others may be manufacturing that drug without having gone through the FDA approval process to show that their versions of the drug have the same quality and benefits as the drugs that are approved. In other cases, there may be approval for a drug to be sold as a single active ingredient, but other companies may be manufacturing a drug that combines that ingredient with other ingredients without FDA approval. In still other cases, a combination of ingredients is approved, but the single ingredient is sold without approval.

What prescription drugs are unapproved?

The major categories in which there are unapproved prescription drugs include certain cough-cold preparations with antihistamines, some narcotics, and a few types of sedatives. Examples include the following:

Unapproved prescription, cough-cold preparations with antihistamines:

- Pheniramine maleate
- Dexbrompheniramine maleate

Unapproved prescription single-ingredient* narcotics:

- Codeine phosphate
- Oxycodone HCL 5mg

Unapproved prescription sedatives:

- Phenobarbital
- Chloral hydrate

*Single ingredient means that the drug has only one active ingredient; a combination product has two or more active ingredients, each with its own distinct effect. For some drugs, there are approved combination products, but not approved single-ingredient products. For example, there are approved versions of codeine phosphate combined with acetaminophen, but codeine phosphate as a single ingredient drug is not approved.

These are only a few examples. While some of these drugs may have benefits, there are also risks to a drug for which FDA has not verified the manufacturing quality, assessed the labeling for adequacy, and reviewed data on safety and effectiveness. It is possible that some of the narcotics or sedatives listed above do not require approval because they have been marketed without any change for a very long time (and therefore are considered "grandfathered"), but FDA believes there are very few of these drugs..

How can I find out if a drug I have been prescribed is approved?

To find out if your drug is approved, go to http://www.accessdata.fda.gov/scripts/cder/drugsatfda/ (Drug@FDA) and type in the active ingredient or name of your drug. You will find the names of the approved manufacturers for your drug. If you do not see your manufacturer's name, check with your drug's manufacturer. The drug may be unapproved or there may be a data error. The drug may also be the approved drug, but distributed under the name of a company other than the approved manufacturer.

Will doctors or pharmacists know if a drug is unapproved?

Not necessarily. Some of these drugs have been sold for a long time so physicians and pharmacists may not suspect they are unapproved. Healthcare professionals are also often unaware that unapproved drugs are listed in such references as the Physicians' Desk Reference (PDR) and are advertised in medical journals.

What should a patient do if he or she is prescribed an unapproved drug?

Talk to your doctor first.

While some unapproved drugs may have benefits, there may also be risks. Patients and health professionals should carefully consider the medical condition being treated, the patient's previous response to the drug, and the availability of approved alternatives as part of discussing the benefits and risks of this treatment. If you have questions, call or e-mail Drug Information at: 888-INFO-FDA (888-463-6332) or druginfo@cder.fda.gov.

How can I get information about approved drugs?

The drug labeling, or package insert, that accompanies drug products, is the most complete single source of information on a drug. Labeling for most FDA approved drugs may be found on DRUGS @ FDA:
http://www.accessdata.fda.gov/scripts/cder/drugsatfda/index.cfm

You can also visit FDA's Drug Information Pathfinder, at http://www.fda.gov/cder/Offices/DDI/pathfinder.htm. This site provides access links to numerous categories of drug information, information about drug recalls, drug shortages, drug approvals, medication guides (patient package inserts available for some drugs), and the US National Library of Medicine's reference site, Medline Plus, that has extensive reliable information about drugs, health conditions, and health news.

To find out more on approved drugs from FDA:

- Visit our Drug Information web page at: www.fda.gov/cder
- Call or e-mail Drug Information at: 888-INFO-FDA (888-463-6332) or druginfo@cder.fda.gov.

Why is FDA taking action against unapproved prescription drugs, even though some doctors prescribing them and some patients taking them believe they are safe and effective?

A patient or prescriber may believe that a drug is safe or effective because of individual experience, but FDA has found that such subjective experiences can be misleading and insufficient to establish safety and effectiveness. Instead, FDA relies on carefully designed clinical trials that weigh the risks and benefits of taking a drug compared with the risks and benefits of taking a placebo or another accepted therapy. In many cases, FDA finds that the original hypothesis that a drug is safe and effective is not correct. Carefully designed clinical trials have repeatedly demonstrated that the safety and effectiveness of drugs cannot be adequately established from anecdotal evidence or consumer or prescriber preferences. Our evidence-based system of drug approval provides great public health benefits to American consumers and health professionals because patients are able to rely on the medications that they take and avoid ineffective therapies or those for which the risks do not outweigh the benefits. They may also save money that they might otherwise spend on ineffective therapies or unsafe medicines.

To support our evidence-based system of medicine, FDA must continue to take appropriate and judicious enforcement action against unapproved drugs. Such enforcement actions maintain the necessary incentives to develop and submit to FDA

scientific evidence demonstrating the safety and effectiveness of marketed drug products as required by law and help preserve the integrity of the new drug approval system.

Why doesn't FDA require all unapproved drugs to come off the market immediately?

A large number of drugs were being marketed before Congress made successive changes to the law that required drugs to be subject to FDA approval. Resource limitations have prevented FDA from taking enforcement actions against many of the unapproved drugs that require approval. As always, FDA focuses its limited resources where they will do the most good, giving highest priority to drugs with potential safety risks, drugs that lack evidence of effectiveness, and health fraud drugs. In some cases, FDA action requiring drug approvals must be very gradual to avoid shortages of medically necessary products. It is possible that some unapproved drugs do not require approval because they have been marketed without any change for a very long time (and therefore are considered "grandfathered"), but FDA believes there are very few of these drugs.

If a prescription drug has been marketed without FDA approval for many years with no known safety problems will FDA allow that drug to continue to be marketed indefinitely?

No, because the absence of "known" safety problems is not enough to prove safety and effectiveness. But FDA intends to balance the need for access to certain drugs that may be effective while protecting the public from risks of unapproved drugs, and will continue to be mindful of the effects of any regulatory action on consumers and health professionals. FDA's highest priorities for enforcement action continue to be drugs with potential safety risks, drugs that lack evidence of effectiveness, and health fraud drugs. Before pursuing regulatory action, FDA plans to consider the effects on the public health of such action, including whether the product is medically necessary and, if so, the ability of legally marketed products to meet patient needs.

For further information, please see FDA's Unapproved Drugs Web Page, located at http://www.fda.gov/cder/drug/unapproved_drugs/default.htm