FERNDALE LABORATORIES INC

November 2, 2001

Dockets Management Branch
Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: ANDA Suitability Petition for Hydrocortisone Acetate Lotion USP, 2.5%

Dear Sir or Madam:

The undersigned respectfully submits this citizen petition pursuant to 21 U.S.C. § 355(j)(2)(C) and 21 CFR §§10.30 and 314.93, to request that the Commissioner of Food and Drugs make a determination of ANDA suitability for a topical preparation of a dermatological drug product, Hydrocortisone Acetate Lotion USP, 2.5% where the reference listed drug is a Hytone® (hydrocortisone) Lotion 2.5%.

Action Requested

Petitioner requests that the Commissioner of Food and Drugs make a determination that an abbreviated new drug application (ANDA) is suitable for a topical lotion containing 2.5% hydrocortisone acetate.

Statement Of Grounds

The Drug Price Competition and Patent Term Restoration Act of 1984 ("The Hatch - Waxman Act") extends eligibility for the submission of ANDAs to certain drug products identical to those approved via new drug applications, as identified in the Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book") issued by the Food and Drug Administration. Where the proposed drug product differs from the "reference listed drug" in one or more respects, a person may

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petition the Agency, under section 505(j)(2)(c) of the Act, for a determination of ANDA suitability as a similar or related drug product.

The reference listed drug product, which forms the basis for this petition, is a topical lotion containing 2.5% of the active pharmaceutical ingredient, hydrocortisone (Hytone® Lotion 2.5% – A/NDA 80-473 – application held by Dermik Laboratories.) Exhibit A contains page 3-187 from the 21st edition of the "Orange Book", showing the Reference Listed Drug designation as determined by the FDA.

In the petitioner's opinion and to the best of petitioner's knowledge, there are no applicable U.S. patents with respect to the drug substance, hydrocortisone acetate and hydrocortisone, or the drug product, Hytone®. All patents for the drug substance or drug product referenced in this petition have expired.

The proposed drug product, Hydrocortisone Acetate Lotion USP, 2.5%, differs from the reference listed drug product, Hytone® Lotion 2.5%, only in regard to the salt of the active ingredient (hydrocortisone acetate vs hydrocortisone). It is identical with respect to dosage form, route of administration and conditions of use.

Other approved topical dosage forms and strengths of hydrocortisone acetate are available. These include:

Product	**Strength**	**Dosage Form**	**ANDA No**
Hydrocortisone Acetate Cream	2.5%	Topical Cream	40-259
Micort-HC Lipocream	2.5%	Topical Cream	40-396

For hydrocortisone acetate products, the relevant pages from the 21st edition of the *Orange Book* ADA-3-189 and 3-190 and page 1-27 from the Cumulative Supplement 6 are enclosed as Exhibit B.

In addition to these approved products, numerous applications for different dosage forms and strengths of hydrocortisone have been approved. These include:

Product	Strength	Dosage Form	A/NDA	Applicant
Penecort	1%	Topical Cream	88-216	Allergan Herbert
Hydrocortisone	0.5%,1%	Topical Cream	80-848	Altana
Hi-Cor	2.5%	Topical Cream	80-483	C and M Pharma
Synacort	2.5%	Topical Cream	87-457	Medicis
Anusol-HC	2.5%	Topical Cream	88-250	Parkedale
Hydrocortisone	2.5%	Topical Lotion	40-351	Altana
Epicort	0.5%	Topical Lotion	83-219	Bluline
Nutracort	2.5%	Topical Lotion	87-664	Healthpoint
Stie-Cort	2.5%	Topical Lotion	89-074	Stiefel
Hydrocortisone	2.5%	Topical Ointment	85-027	Clay Park
Hydrocortisone	2.5%	Topical Ointment	81-203	Fougera
Cortril	1%, 2.5%	Topical Ointment	09-176	PFIPharmecs
Hydrocortisone	2.5%	Topical Solution	81-271	Sirius Labs

For hydrocortisone products, the relevant pages from the 21st edition of the *Orange Book* (pages 3-187to 3-188, pages 6-93 to 6-95) and from the Cumulative Supplement 6 (pages 1-26 and 1-27) are enclosed as Exhibit C.

Hydrocortisone and hydrocortisone acetate are regarded as equipotent and have been used interchangeably for many years. Many standard dermatology texts do not differentiate between hydrocortisone (alcohol) and hydrocortisone acetate. In the tentative final monograph for "External Analgesic Drug Product for Over-the-Counter Human Use", published in the Federal Register, February 8, 1983; hydrocortisone and hydrocortisone acetate are grouped together as *hydrocortisone preparations.* This grouping can also be found in the following: "Hydrocortisone – Labeling Standard" (Canada); The Glasgow Formulary, Fifth Edition, August 1998; 'Proposals for Alterations to the Standard for the Uniform Scheduling of Drugs and Poisons", National Drugs and Poisons Committee (Australia); "Classification of Medicines" (New Zealand) and the British classification of Topical Steroids according to their Potencies."

The health care community would benefit from the alternative choice provided by the availability of a hydrocortisone acetate 2.5% topical lotion, which is pharmaceutically elegant and cosmetically acceptable to the end-user. The higher water content of lotions promotes drying of the skin through evaporation. This makes lotions useful for treating weeping or blistered lesions where additional hydration is not desired. In addition, lotions are more easily applied to hair-covered skin.

The proposed drug product contains the same active ingredient base, in the same dosage form and route of administration as the reference listed drug, Hytone® Lotion 2.5%. Draft insert labeling (Appendix D) for the proposed drug product, which is modeled after the Hytone Cream, Lotion (Appendix E) is enclosed. A side-by-side insert comparison can be found in Exhibit F.

The finished product will be packaged in a container/closure system that is appropriate for and compatible with the dosage form.

Petitioner intends to request a waiver of bioequivalence based on the DESI status of hydrocortisone acetate.

The petitioner believes that the proposed drug product, Hydrocortisone Acetate Lotion USP 2.5%, does not invoke the "Pediatric Rule" based on the fact that hydrocortisone and hydrocortisone acetate are regarded as equipotent and have been used interchangeably for many years. Hydrocortisone acetate should therefore not be viewed as a "new active ingredient" requiring pediatric studies under 21 CF% §314.55.

Based on the above, Petitioner believes that Hydrocortisone Acetate Lotion USP, 2.5% warrants a finding of ANDA suitability, and that the Commissioner should grant permission for the filing of an ANDA for Hydrocortisone Acetate Lotion USP, 2.5%.

Environmental Impact

Petitioner hereby claims a categorical exclusion from the requirement of an Environmental Assessment (EA) statement. The approval of this petition will result in

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an abbreviated new drug application (ANDA) for a drug product that will be excluded from the requirement of an Environmental Assessment statement, pursuant to 21 CFR §25.31(a).

Economic Impact

In accordance with 21 CFR §10.30(b), information on economic impact will be submitted only when requested by the Commissioner following review of this petition.

Certification

The undersigned certifies that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

Respectfully submitted,

Deborah L. Theres
Manager, Regulatory Affairs
Ferndale Laboratories, Inc.

Enclosures:

Exhibit A	Approved Drug Products with Therapeutic Equivalence Evaluations, 21st edition, p. 3-187
Exhibit B	Approved Drug Products with Therapeutic Equivalence Evaluations, 21st edition, pp. 3-187, 3-188, 6-93 to 6-94 Cumulative Supplement 6, pp. 1-26. 1-27
Exhibit C	Approved Drug Products with Therapeutic Equivalence Evaluations, 21st edition, pp. 3-189 and 3-190 Cumulative Supplement 6, p. 1-27
Exhibit D	Draft insert labeling for the proposed drug product
Exhibit E	Copy of HYTONE (hydrocortisone) Cream, Lotion insert
Exhibit F	Side-by-side insert comparison