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Division of Document Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Docket No. 2003D-0383, "Draft Guidance for Industry and FDA Staff; Use of Symbols on Labels and in Labeling of In Vitro Diagnostic Devices Intended for Professional Use."

To Whom It May Concern:

Invitrogen Corporation is a manufacturer and distributor of Class One In Vitro Diagnostic medical devices for use by professional users. Invitrogen would like to make the following comments on the above named Guideline.

A. The last paragraph of Section III allows the use of the symbol for "Authorized Representative in the European Community" as long as it does not violate other USA labeling requirements. The same reasoning should be applied to the use of the "CE" mark on labels for products sold in the USA. All In Vitro Diagnostic products sold in Europe must carry the "CE" mark and thus for harmonization to be successful the CE mark must also be allowed on labels of In Vitro Diagnostic products sold in the USA.

B. The last paragraph of Section III allows the use of the symbol for "Authorized Representative in the European Community," as long as it does not violate other USA labeling requirements. The same reasoning should be applied to the use of foreign languages on labels of In Vitro Diagnostic products to be sold in the USA. It is likely that such items as the product name may appear on the label; first in English and then in multiple additional languages. In order for harmonization to be successful the practice of allowing multiple languages on the label of In Vitro Diagnostic products to be sold in the USA must be allowed.

C. Due to the complex nature of the information Invitrogen wishes to convey to end users of IVD products, a series of symbols in addition to the 25 symbols listed in the FDA Guidance have been developed for use. A table of all symbols proposed for use is attached, seven of these symbols are not on FDA's list of acceptable symbols. The new symbols are as follows; ADD, store dry and dark, net weight, preparation methods, protect from light/store in dark, plus specific additives, and minus specific additives. For Invitrogen, the key missing symbol is our ability to convey to end users to store in the

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dark. Use of the words “store in dark” on the label would require multiple languages and take up too much label space.

In order to comply with the requirement for multiple languages it is necessary to convey as much information to the end user as possible by the use of symbols. Use of multiple languages on the labels is not possible due to space constraints.

Invitrogen is proposing the use of additional symbols not listed among the 25 symbols presented by FDA in their Guidance document. In order to ensure that all professional end users understand the meaning of these symbols Invitrogen would perform the following actions:

- A depiction of each symbol will occur on the rear of the Certificate of Analysis. An explanation will be provided for each of these symbols. Invitrogen will provide a Certificate of Analysis with each shipment of In Vitro Diagnostic products.
- The Invitrogen website will contain a table depicting each symbol and will include an explanation of its meaning.
- In all future catalogs, Invitrogen will include a table depicting each symbol with an explanation of its meaning.
- Invitrogen will provide index cards depicting all symbols with an explanation of their meaning to supply centers and store rooms.
- A mailing will be sent to all appropriate customers prior to implementing the label changes. This letter will contain an explanation of Invitrogen’s move to the use of symbols and will include a table depicting each symbol with an explanation of its meaning.

Invitrogen wishes to thank the Food and Drug Administration for the opportunity to comment on this draft guidance. Should there be any questions regarding our comments please contact me at 716-774-6713.

Sincerely,



Keith D. Gittermann
Director, Regulatory Affairs

