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Via Federal Express

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Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Anti-Counterfeit Drug Initiative (Docket No. 2003N-0361)

Dear Dockets Management:

Pfizer Inc submits these comments in response to the *Interim Report: Safe and Secure*, issued last month by the FDA Counterfeit Drug Task Force. As the world's leading pharmaceutical manufacturer, Pfizer is strongly committed to providing patients with safe and effective medications of the highest quality. Pfizer shares FDA's deep concern for the risk to patient health posed by counterfeit drug products, and welcomes the opportunity to work with FDA and other stakeholders to develop effective mechanisms for preventing the insinuation of counterfeits drug products into the U.S. drug distribution system.

Because of its global presence, and the success of its products, Pfizer has had broad experience combating counterfeits. Earlier this year, Pfizer partnered with FDA to address the broadest pharmaceutical counterfeiting event in U.S. history, involving Pfizer's cholesterol medication, Lipitor® (atorvastatin calcium). The lessons learned from the Lipitor® counterfeit situation, and from Pfizer's other global experiences, should be useful to FDA's efforts to establish policies and procedures for preventing and responding to similar episodes in the future.

In these comments, Pfizer will briefly address key points relating to the following issues that were raised in FDA's Interim Report: possible technological measures for deterring and exposing counterfeits; proposals for new or enhanced regulatory and legal requirements and oversight; and suggestions on how to coordinate communications regarding counterfeits to ensure appropriate awareness and rapid remediation while avoiding undue public alarm. Other aspects of these topics are addressed in greater detail in comments submitted by industry organizations (such as PhRMA) in which Pfizer participates.

As a general matter, Pfizer believes that the most effective way to protect the American public from counterfeits is to implement measures to ensure greater control over, and discipline within, the U.S. pharmaceutical distribution system. Only by requiring heightened diligence and increased accountability among those who operate within the U.S. drug supply chain, can the insinuation of counterfeits be effectively avoided. We would also note, however, that the success of the measures discussed below would be significantly compromised if drug importation were broadly permitted, as recently has been proposed.

1. Technology

As FDA observes in the *Interim Report*, and as was displayed and discussed at the public meeting on October 15, technological approaches are available that will facilitate the authentication and tracking of pharmaceuticals throughout the distribution chain. Pfizer supports the development of FDA guidance and policies that would encourage the adaptation of these technologies for the pharmaceutical industry, including in particular track-and-trace systems that produce electronic pedigrees. FDA should not mandate any particular technological or packaging solutions, however. Because individual products have unique manufacturing and distribution characteristics, industry should be allowed the flexibility to adopt anti-counterfeit strategies appropriate to individual circumstances. There should be no minimum requirements, whether general or specific, regarding the number or type of anti-counterfeit measures that must be employed. Determination of the appropriate strategy for individual products should be left to manufacturers or distributors based upon assessment of risk.

Track-and-Trace. Track-and-trace systems, utilizing Electronic Product Codes that are scanned by bar code or RFID technologies, are particularly promising means for enhancing the security of the pharmaceutical supply chain. Systems of this kind should be the cornerstone for product integrity efforts in the long-term. Such systems are not stand-alone solutions, however. They should complement, but not displace, stricter controls of drug supply transactions through more rigorous diligence by market actors and stronger oversight by government regulators.

In addition to helping identify counterfeit products that have entered the distribution system, the technologies that support track-and-trace functionality may also provide other benefits. For example, these technologies may help prevent the creation of market opportunities for counterfeiters by enabling manufacturers to more tightly align their shipping and inventory plans with customer demand. Further study is needed to assess what other benefits these technologies might provide.

Because fully integrated track-and-trace systems are not likely to be available for several years, implementation of other viable options will be necessary for the near term (see discussion of paper pedigrees, below). Additional analyses will help determine how best to phase in new technologies, taking into account a full measure of relative costs, benefits, options, and timing.

Unit-of-Use Packaging. FDA's *Interim Report* proposes broad adoption of unit-of-use packaging, and suggests that this might be accomplished by following European Union requirements. It is important to differentiate "unit-of-use" packages from "unit dose" packaging. The term "unit dose" refers to a package that contains only a single (unit) dose. Unit-of-use packages, by contrast, usually contain multiple doses to satisfy an acute dosing regimen or chronic use over an extended period (e.g. a full month). The packages can have varying configurations, including 30-tablet bottles or six-pill blister packages such as Pfizer's Z-Pak®.

Unit-of-use packaging may mitigate the risks of counterfeiting by avoiding the need for repackaging by wholesalers or others in the supply chain. This approach to packaging is not fail-safe, however; counterfeiting has occurred in other parts of the world where unit-of-use packaging is utilized. There are also other significant negatives to broad adoption of this packaging approach for the U.S. market. First, the costs of such adoption would be significant, including substantial re-tooling of manufacturers' packaging operations, as well as re-engineering of existing distribution systems by wholesalers and pharmacies. Second, unit-of-use packaging is undesirable in situations where physicians choose a dosing regimen different from what is available from the manufacturer. Additionally, unit-of-use packaging may not fit the practice of pharmacy in certain practice settings.

2. Regulatory Requirements and Secure Business Practices

Paper Pedigrees. As noted above, utilization of electronic pedigrees produced by effective track-and-trace technologies will be far more effective at ensuring the integrity of the pharmaceutical supply chain than any paper pedigree system. Nevertheless, full implementation of the FDA's final pedigree regulations, issued in 1999, would be helpful to provide some stop-gap protection while track-and-trace technologies are refined for adoption on a wide scale within the industry. Implementation efforts should focus on the need to obtain and pass pedigrees between wholesalers and distributors and to validate that product was sourced from the manufacturer and/or one of the manufacturer's authorized distributors.

Although vulnerable to falsification and susceptible to disuse, paper pedigrees aid in enforcing diligence in supply transactions. A pedigree reveals the number of times a drug product has changed hand, and the identities of those involved. This information by itself may raise suspicions regarding authenticity or potential quality issues. Moreover, the pedigree allows for the exercise of appropriate diligence to ensure the accuracy of its information, and to evaluate the circumstances of a drug's distribution history. And of course, the pedigree can be helpful in facilitating investigations and recalls.

New and Enhanced Penalties. FDA is likely to receive numerous comments advocating stiffer penalties for counterfeiting. Pfizer agrees that enhancing the penalties for counterfeiting might achieve additional deterrence. Reform of penalties should not be limited to counterfeiters and their knowing accomplices, however. New penalties also

should be established for those within the distribution system whose lack of diligence, or regulatory deficiencies, create opportunities that criminal actors may exploit.

For example, FDA should consider advocating new penalties to punish lapses of diligence among suppliers and repackagers. A licensing deficiency; incomplete pedigree; GMP inadequacy—any of these may give counterfeiters a toehold. A well-conceived system of civil and criminal penalties, enforceable whether or not counterfeiting has occurred, can help buttress the safeguards that will prevent counterfeits from entering pharmaceutical distribution channels. The applicable penalties should be higher in case where lapses in diligence or regulatory compliance in fact have enabled the spread of counterfeits.

Heightened Oversight and Enforcement. Increased governmental oversight of pharmaceutical distribution practices, and enhanced surveillance of distribution transactions by industry, are critical to improving the security of the drug supply system. FDA and other regulatory agencies (including especially wholesale licensing authorities) need to assert stronger regulatory control over distributors and repackagers. This oversight (including meaningful enforcement) will help ensure greater diligence by market actors.

Manufacturers also can play a critical role in helping to tighten the supply chain, by being vigilant to market indicators of suspect activity. Pfizer already has many personnel in diverse functional areas, including sales, marketing, trade relations, intellectual property, and global security, who closely monitor market behavior to identify signals of potential counterfeiting, or market conditions that might be vulnerable to the introduction of counterfeits. (Pfizer routinely shares this information with FDA, as appropriate.) Additionally, Pfizer recently has appointed a cross-functional product integrity policy group that is developing new global policies and procedures for implementing anti-counterfeiting strategies.

3. Rapid Alert and Response Systems and Public Education

Pfizer supports FDA's efforts to increase public awareness of the potential for drug counterfeiting, and to enhance mechanisms for responding to specific counterfeiting events. Close collaboration between government and industry on these efforts is critical to ensure that communications are effective without being unduly alarmist.

Several existing communications systems were effectively utilized to provide timely public information about the Lipitor® counterfeits earlier this year. Pfizer made detailed information available through its toll-free Medical Information call center; on the www.lipitor.com website; in press statements; through "blast fax" notifications to pharmacies across the nation; and through coordinated interactions with key customers. FDA also provided extensive information in several "Talk Papers" and in website postings. These multiple messaging approaches appear to have been successful in achieving broad dissemination of critical information about the counterfeiting. Moreover, close coordination between FDA and Pfizer helped ensure that the public

messages were appropriately targeted and balanced so that consumers were sensitized to the counterfeit situation but not deterred from continuing necessary therapy.

In the *Interim Report*, FDA proposes creating a "counterfeit alert network," possibly based on the MedWatch platform, to enhance FDA's ability to respond to reports of suspected counterfeits, and to disseminate information to the public about counterfeits. Because it is well-established and familiar to many members of the medical community, the MedWatch system may have utility in this arena. Pfizer cautions, however, against creating any system (such as "active messaging") that might appear to validate information that has not been substantiated or placed in context. Suspicions of counterfeiting, and even established instances of counterfeiting, easily can be misunderstood. FDA should consult closely with relevant manufacturers and/or distributors before implementing counterfeit alert strategies in individual cases.

Pfizer supports FDA's proposal to enhance the agency's internal processes for responding to and investigating reports of suspected counterfeits. As already noted, close coordination with industry is essential to improving anti-counterfeiting diligence and surveillance, and to ensuring rapid, targeted responses to counterfeiting events. Pfizer encourages FDA to create new procedures that will clarify and solidify opportunities for coordination with industry. These should include mapping out specific contact points between FDA and individual companies for addressing specific anti-counterfeiting issues, and establishing procedures for the rapid, confidential exchanges of critical product and/or market data.

4. Conclusion

As discussed above, Pfizer supports utilization of a broad range of initiatives to protect the integrity of the drug supply. Track-and-trace technologies have the potential to be a cornerstone of anti-counterfeiting and product integrity efforts in the long-term, but will not by themselves adequately protect the American public. Other important changes are also needed to insure the integrity of our system. These include enhanced business practices and stronger regulatory oversight to ensure greater discipline and control of the U.S. drug supply chain.

Pfizer is grateful for the opportunity to provides these comments to FDA, and looks forward to continuing to collaborate with FDA and other stakeholders in this important initiative.

Sincerely,

Jeffrey B. Chasnow
Senior Corporate Counsel