DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

September 18, 1998

NADA 141-108

Debra Webb
Manager, Pharmaceutical Regulatory Affairs
Fort Dodge Animal Health
Division of Home Products
800 Fifth Street, NW
Fort Dodge, IA 50501

Dear Ms. Webb:

We refer to the following DER submissions:

- Your August 19, 1998, and September 2, 1998, submissions of promotional material concerning EtoGesic™ Tablets (etodolac), NADA 141-108.

- Our letter to you dated August 28, 1998, regarding these materials.

- Dr. Palmeter's August 28, 1998, letter to us.

- The meeting between representatives of Fort Dodge Animal Health (FDAH) and CVM September 4, 1998, here in Rockville, Maryland for which our meeting minutes are enclosed and the promotional materials were discussed.

The Division of Epidemiology and Surveillance has reviewed these promotional materials and as communicated to Dr. Palmeter and others from FDAH by phone and at the September 4 meeting, has concluded that they are lacking in fair balance and are false and/or misleading in violation of the Federal Food, Drug, and Cosmetic Act (the Act) §§ 502(a) and 301(a) and regulations promulgated thereunder (see 21 C.F.R. §§ 202.1(e)(6),(7)).[1]

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[1] These materials include, but are not limited to, "Dear Doctor" letter from Dr. Charles DeCamp, FDP 23922M8/98 EtoGesic™ Technical Manual, FDP 284, "Introducing EtoGesic™ Tablets," FDP 285 "BOW OW" foldout, FDP 287 "Happy Tails," FDP 321 "EtoGesic™ Tablets," the two media kits submitted on 9/2/98, all press releases submitted 9/2/98, the EtoGesic™ wall clock.

EtoGesic™ is a nonsteroidal anti-inflammatory drug that has as its approved indication the management of pain and inflammation associated with osteoarthritis in dogs. The promotional material also contains information that suggests the use of this product for indications that are not on the approved labeling, which also is in violation of the Act and regulations (see the Act §§ 501 (a)(5) and 502 (f)(1) and 21 C.F.R. §202.1(e)(6)(i).

Summary of Violations:

The following is not necessarily an exhaustive list of these violations. We are continuing to evaluate the materials and may find additional violations of the act and regulations.

- The promotional materials fail to present balancing risk information for EtoGesic™ in a manner comparable in prominence and readability to the effectiveness information, as required by the regulations (See 21 C.F.R. §202.1(e)(7)(viii). We find this especially troubling with respect to the consumer oriented promotional materials.

- The promotional material contains suggestions that the drug is effective at managing post surgical pain, which is not part of the approved indication. See the Act, §§ 501 (a)(5) and 502 (f)(1) and 21 C.F.R. §202.1(e)(6)(i).

- The promotional materials present data from in vitro and non canine studies (COX-2 selectivity, macrophage migration, and renal sparing) in a way to suggest clinical significance when no clinical benefit has been established via substantial evidence (false and/or misleading). See 21 C.F.R. §202.1(e)(6)(vii).

- The promotional materials imply or state that EtoGesic™ is superior to other non-steroidal anti-inflammatory drugs (for example, through the force plate references as discussed at the meeting) without evidence of such superiority from adequate and well-controlled clinical studies (false and/or misleading). See 21 C.F.R. §202.1(e)(6)(ii) and (iv).

- The promotional materials imply that EtoGesic™ is safer than other nonsteroidal anti-inflammatory drugs, in part by selective use of safety data in a manner that is false and/or misleading, when no such evidence of superior safety from adequate and well-controlled clinical studies exists (false and/or misleading, lacking in fair balance).

- The promotional materials give the impression that the product is much safer than the safety profile of this drug and our experience with similar nonsteroidal anti-inflammatory drugs would suggest. This is in contrast to

the rather extensive side effect and contraindications materials contained in the package insert (lacking in fair balance and false and/or misleading).

- The press kits and press releases make no statements about contraindications and side effects (lacking in fair balance and false and/or misleading).
- The wall clock has a statement about the product's indications. This means that the clock is not categorized as "reminder" advertising as defined in 21 C.F.R. § 202.1 (e)(2)(i) due to this inclusion of an indication. Thus, it is subject to full disclosure requirements for promotional labeling.

Conclusions and Requested Actions:

We are seriously concerned that the dissemination of the above-listed promotional materials fail to adequately disclose the risks associated with use of the product, promote false and misleading safety and efficacy comparisons, and promote off-label uses of the product. We requested a response within ten working days of the date of our meeting, which is today. I understand from Dr. Spenser that Dr. Palmeter will respond to the initial request by the September 18, 1998, deadline. As to this letter, we request that FDAH provide a detailed response to these issues on or before ten working days from the date of this letter. Although Dr. Palmeter and Dr. Spenser of CVM have had several telephone conversations concerning FDAH's ongoing corrective plans, only written communications are considered official. This response should contain an action plan that includes:

1. Immediate cessation of the dissemination of all advertising and labeling materials for EtoGesic™ that contain false and/or misleading statements and are lacking in fair balance. This includes, but is not limited to, all the materials listed earlier in this letter. This includes all dissemination by sales representatives the field and at professional meetings.

2. Reviewing all promotional materials for this product and discontinuing or revising any materials that have the same or similar violations.

3. A proposal to disseminate a "Dear Doctor" letter with corrective information to all veterinarians who received the violative promotional materials. This should include all sales representatives of FDAH as well as all distributors who received violative materials. CVM should review the letter in advance of dissemination.

4. A proposal to disseminate a corrective letter through paid advertisement in all journal and lay magazines that the violative advertising appears in. CVM should review the letter in advance of dissemination.

5. A proposal to submit to CVM a complete list of all promotional materials for EtoGesic™ that FDAH will discontinue as a result of this correspondence and a complete list of all promotional materials that FDAH intends to continue to disseminate subsequent to this letter, if any.

We are also providing a copy of our minutes of the September 4, 1998, meeting at CVM for your information.

As stated earlier, this does not consist of an exhaustive list of violations of the materials under review. We are continuing to evaluate these materials and other parts of FDAH's advertising campaign for EtoGesic™ and may require additional remedial measures to fully correct the false and/or misleading messages and messages lacking in fair balance resulting from the violative promotional materials.

Failure to comply may result in a Warning Letter or other regulatory action.

We wish to remind you of the commitment you made when you signed the New Animal Drug Application (NADA), FDA Form 356, that the labeling and promotion of this product will neither be false nor misleading in any particular and that it will prescribe, recommend or suggest its use only in accord with the labeling provide for in the approved application.

Should you have any questions, you may contact us at (301) 827-6642.

Sincerely yours,

William C. Keller, DVM
Director, Division of Epidemiology
and Surveillance
Center for Veterinary Medicine