



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

gil64d

1990 MacArthur Blvd., Ste 300  
Irvine, California 92612-2445  
Telephone (949) 798-7600

WARNING LETTER

April 16, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James Warren  
Chairman of the Board and CEO  
Banner Pharmacaps, Inc.  
4125 Premier Drive  
High Point, NC 27265

W/L 40-01

Dear Mr. Warren:

During an inspection of your manufacturing facility located 20730 Dearborn Street, Chatsworth, CA, conducted January 16 through 23, 2001, our FDA investigators documented deviations from the Current Good Manufacturing Practices (cGMPs) for Finished Pharmaceuticals (Title 21, Code of Federal Regulations, (CFR) §§210 and 211). Those deviations cause all drug products manufactured at your facility to be adulterated within the meaning of Section 501(a)(2)(B) of the Federal Food, Drug and Cosmetic Act (the Act). The violations from 21 CFR §211 include:

1. Failure to establish production and process control procedures designed to assure your drug products have the required identity, strength, quality and purity [21 CFR §211.100(a)]. For example, the validation protocols for [REDACTED] and [REDACTED] do not provide assurance that the manufacturing process will provide quality throughout the production process.
2. Failure to establish scientifically sound and appropriate specifications, standards, sampling plans, and test procedures designed to assure that drug products conform to appropriate standards of identity, strength, quality, and purity [21 CFR §211.160(b)]. For example, there is no scientific justification for testing 30 capsules of [REDACTED] for content uniformity during process validation. This is a suspension product that is not re-circulated or mixed during filling.
3. Failure to establish and document the accuracy, sensitivity and reproducibility of test methods employed [21 CFR §211.165(e)]. For example, methods that were validated at one facility and transferred to the Chatsworth, CA site are being used without a methods transfer or revalidation protocol.

The above identification of violations is not intended to be an all-inclusive list of deficiencies at your Chatsworth, CA facility. It is your continuing responsibility to assure adherence with each requirement of the Good Manufacturing Practice Regulations. You should take prompt action to correct these deviations and prevent their recurrence. Failure to promptly correct these deviations may result in regulatory action without further notice. Possible actions include seizure and/or injunction.

Federal agencies are advised of the issuance of all Warning Letters about drugs so that they may take this information into account when considering the award of contracts. Additionally, pending Antibiotic Form

6, New Drug Applications, Abbreviated New Drug Applications or export approval requests may not be approved until the above violations are corrected.

We acknowledge your response to the FDA-483 submitted to the district office by Roger Lopez, General Manager of the Chatsworth, CA facility. We also acknowledge that the manufacture of drug products is being transferred to your North Carolina manufacturing site. The response, with the exception of the process validation issues, appears to adequately address our concerns. Your implementation of the corrective actions will be verified during your next inspection, whether here or at your North Carolina facility, as appropriate.

Regarding your response to the process validation cites on the Form FDA-483: after reviewing the process validation protocols and other associated data contained in the Establishment Inspection Report and your response, the District does not agree with your conclusion that these products are sufficiently validated. Not only is your hourly testing for weight variation and seam thickness inadequate for process validation, we consider the testing frequency outlined in your protocol inadequate even for routine in process testing. Significantly more testing is necessary to assure uniformity of low dose, low fill volume and/or suspension products.

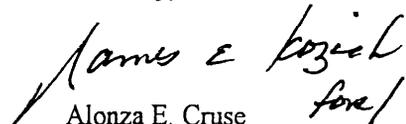
Furthermore, please explain how the fill material used in the manufacture of [REDACTED] a suspension that is not re-circulated during filling, remains uniform throughout the filling process. You may wish to contact the District office to discuss these issues. If you have questions regarding the specific elements of this letter, you can contact Mark Tucker, Ph. D., at 949-798-7718. A meeting can be scheduled by calling the District Director at 949-798-7714.

You should notify this office in writing within fifteen (15) working days of receipt of this letter of the specific steps you have taken to correct the noted violations, including an explanation of each step being taken to prevent the recurrence of similar violations. If corrective action cannot be completed within fifteen (15) working days, state the reason for the delay and the time within which corrections will be completed.

Your written response should be directed to the Food and Drug Administration, Attention:

Thomas L. Sawyer  
Director, Compliance Branch  
Food and Drug Administration  
19900 MacArthur Blvd., Suite 300  
Irvine, CA 92612

Sincerely,

  
Alonza E. Cruse  
District Director

cc: Roger Lopez, General Manager  
Banner Pharmacaps Inc.  
20730 Dearborn Street  
P. O. Box 2157  
Chatsworth, CA 91313

California Department of Health Services, Food & Drug Branch  
601 N. 7<sup>th</sup> Street  
Sacramento, California 94234-7320  
Attn: Stuart Richardson, Jr., Chief