



11/25/97
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Certified Mail
Return Receipt Requested

November 18, 1997

WARNING LETTER

WL- 5-8

Ronald G. Lee, President
Lee Pharmaceuticals
1434 Santa Anita Avenue
South El Monte, CA 91733

Dear Mr. Lee:

During an inspection of your drug, device, and cosmetic manufacturing and distribution firm located at 1434 Santa Anita Avenue, South El Monte, California, conducted between the dates of September 17, 1997 and October 8, 1997, our investigators documented serious violations of current Good Manufacturing Practice regulations (cGMP) Title 21 Code of Federal Regulations (C.F.R.) Part 210 and 211. These violations cause your drug products to be adulterated within the meaning of section 501(a)(2)(B) of the Federal Food, Drug and Cosmetic Act (the Act). Our investigation revealed that there is no assurance that the methods used in, or the facilities or controls used for the manufacture, processing, packing, and holding of drug products in your facility are in conformity with the applicable GMP requirements. For example:

1. Failure to establish written procedures for production and process control designed to assure that the drug products have the identity, strength, quality and purity they purport or are represented to possess. Specifically, your firm does not have written procedures for the manufacturing and filling processes, cleaning processes, and sampling of in-process or finished drug products. [Ref: 21 C.F.R. § 211.100 (a)]
2. Failure to prepare batch production records which include complete information relating to the production and control of each batch. Specifically, batch records were not always signed, initialed, or dated by individuals who performed compounding duties, or by operators/supervisors who checked the work of the compounders. In addition, batch records did not include documentation of who collected in-process samples. [Ref: 21 C.F.R. § 211.188]
3. Failure to assure that automatic, mechanical, electronic, or other equipment used in the manufacture, processing, packing and holding of a drug product, performs or functions satisfactorily. Specifically, your firm failed to perform Installation Qualification, Operational Qualification or Performance Qualification studies on

any equipment used in the manufacture of your drug products.
[Ref: 21 C.F.R. § 211.68]

4. Failure to establish control procedures to monitor the output and to validate the performance of manufacturing processes that may be responsible for causing variability in the characteristics of in-process material and the drug product. Specifically, your firm has not validated the processes used in manufacturing any of the drug products. In addition, there are no controls in place documenting and evaluating process changes and the possible need for revalidation.
[Ref: 21 C.F.R. § 211.110]
5. Failure to manufacture the drug product “Iodex” 4.7% iodine under suitable conditions, in that this drug is currently manufactured outdoors in an uncontrolled environment. There are no controls in place to prevent contamination of the product in the compounding, mixing and filling processes. Specifically, product debris was strewn on the inside and the outside of the mixing tank, rust and debris were observed on the machines and on walls surrounding the mixing tank, and bird feathers were observed on the ground adjacent to the tank
[Ref: 21 C.F.R. § 211.42]
6. Failure to establish written procedures describing receipt, identification, issuance, storage, handling, sampling, examination, or testing of labels. Failure to provide strict controls over labeling and labeling materials in storage or during labeling operations. Specifically, your firm has no written procedures involving label controls, incoming labels are not checked for accuracy before use, labels are not stored properly to prevent mix-ups, and access to labeling materials is not limited to specific personnel only. [REF: 21 C.F.R. § 211.122 (a), § 211.125, § 211.130]
7. Failure to establish a written testing program designed to assess the stability characteristics of drug products. Results of stability testing are to be used in determining appropriate storage conditions and expiration dates. Specifically, your firm has no protocols or test methods for stability testing on any products which are labeled with expiration dates. Such products include, but are not limited to Creo-Terpin, Dr. Hands Teething Lotion and Gel, Iodex ointment products, Peterson’s Ointments, Baby Gumz, and Baby Gasz products. There are no records showing that stability testing has been conducted on any of these products. [REF: 21 C.F.R. § 211.166]
8. Failure to follow written procedures regarding responsibilities and authorities of the quality control unit. Specifically, your firm failed to follow your own SOP on the Quality Control Department, which states that QC is a separate department,

“independent of the production and packaging units of the company.” The current supervisor of QC reports to the Director of Manufacturing.
[REF: 21 C.F.R. § 211.22 (d)]

In addition, our investigators determined that your firm is manufacturing bonding agents, ceramic composites, resins, and betaquartz contact modules which are medical devices as defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (the Act). The investigation disclosed a number of violations of the quality system regulations, 21 C.F.R. § 820. The requirements of the Quality System regulations govern the methods used in the facilities and the controls used for the design, manufacture, packaging, labeling and storage of all finished devices intended for human use. For example:

1. Failure to establish procedures for quality audits and conduct such audits to assure that the quality system is in compliance with the established quality system requirements and to determine the effectiveness of the quality system.
[21 C.F.R. § 820.22]
2. Failure to establish written procedures for the calibration of instruments.
[21 C.F.R. § 820.61]
3. Failure to have a procedure in place for handling MDR reportable events which must be reported to FDA under part 803 of 21 C.F.R.

In your written response, please advise our office of the corrective measures taken regarding the observations of the medical devices manufactured by your facility.

In addition to the above noted GMP drug observations, this inspection documented labeling in the products that you manufacture and distribute as Over-The-Counter (OTC) drug preparations. These labels are currently being reviewed by the Center for Drug Evaluation and Research (CDER). As such, comment on your labeling may be sent to you at a future date. You should be aware that this review may indicate further violations on specific products that you manufacture and/or distribute.

This letter is not intended to be an all-inclusive list of deficiencies at your facility. It is your responsibility to ensure that all products marketed by your firm are in compliance with the Act and its implementing regulations. A list of observations (FDA 483) was issued and discussed with you at the conclusion of the inspection. It is your responsibility to assure that all requirements of the Federal Food, Drug, and Cosmetic Act, which includes the Good Manufacturing Practice regulations as well as all other regulations promulgated there under, are being met. Federal agencies are advised of issuance of all warning letters for drugs and devices so that they may take this information into account when considering the awarding of contracts.

You should take prompt action to correct these deviations. Failure to promptly correct these deviations may result in regulatory action being initiated by the Food and Drug Administration without further notice. These actions include, but are not limited to, seizure, an injunction, and/or civil penalties.

Please notify this office in writing within 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 identify and make corrections to underlying system problems necessary to assure that similar violations will not recur. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time within which the corrections will be completed.

Your response should be sent to:

Patricia A. Gupta, Drug Team Investigator/Compliance Officer
U.S. Food and Drug Administration
4615 E. Elwood St., Ste. 200
Phoenix, AZ 85040

Sincerely Yours,

Elaine C. Messa
District Director

cc: Stuart E. Richardson, Jr.
Chief, Food and Drug Branch
Environmental Health Services
State Department of Health
714 "P" Street, Room 400
Sacramento, CA 95814