

(1) If a drug product is packaged in immediate-dose packaging, and if the immediate container bears labeling but not a label, the warning statement required by paragraph (c)(1) of this section shall appear prominently and conspicuously on the immediate container labeling in a way that maximizes the likelihood that the warning is intact until all of the dosage units to which it applies are used.

(3) Where the immediate container is not the retail package, the warning statement required by paragraph (c)(1) of this section shall also appear prominently and conspicuously on the information panel of the retail package label.

(4) The warning statement shall appear on any labeling that contains warnings.

(5) The warning statement required by paragraph (c)(1) of this section shall be set off in a box by use of hairlines.

(d) The iron-containing inert tablets included in monthly packages of oral contraceptives are categorically exempt from the requirements of paragraphs (a) and (c) of this section.

[62 FR 2250, Jan. 15, 1997; 62 FR 15111, Mar. 31, 1997]

EFFECTIVE DATE NOTE: At 62 FR 2250, Jan. 15, 1997, §310.518 was added, effective July 15, 1997. At 62 FR 15111, Mar. 31, 1997, in §310.518 paragraphs (b)(2) and (c)(5) were corrected, effective July 15, 1997.

§310.519 Drug products marketed as over-the-counter (OTC) daytime sedatives.

(a) Antihistamines, bromides, and scopolamine compounds, either singly or in combinations, have been marketed as ingredients in over-the-counter (OTC) drug products for use as daytime sedatives. The following claims have been made for daytime sedative products: "occasional simple nervous tension," "nervous irritability," "nervous tension headache," "simple nervousness due to common every day overwork and fatigue," "a relaxed feeling," "calming down and relaxing," "gently soothe away the tension," "calmative," "resolving that irritability that ruins your day," "helps you relax," "restlessness," "when you're under occasional stress," "helps you work relaxed." Based on

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evidence presently available, there are no ingredients that can be generally recognized as safe and effective for use as OTC daytime sedatives.

(b) Any OTC drug product that is labeled, represented, or promoted as an OTC daytime sedative (or any similar or related indication) is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing.

(c) Clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted as an OTC daytime sedative (or any similar or related indication) is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs set forth in part 312 of this chapter.

(d) Any OTC daytime sedative drug product introduced into interstate commerce after December 24, 1979, that is not in compliance with this section is subject to regulatory action.

[44 FR 36380, June 22, 1979; 45 FR 47422, July 15, 1980, as amended at 55 FR 11579, Mar. 29, 1990]

§310.525 Sweet spirits of nitre drug products.

(a) Historically, sweet spirits of nitre has been present as an ingredient in over-the-counter (OTC) drug products for various uses. Based upon the lack of adequate data to establish effectiveness for any use and the adverse benefit-to-risk ratio, sweet spirits of nitre drug products cannot be considered generally recognized as safe and effective. The benefit from using sweet spirits of nitre for any use is insignificant when compared to the risk.

(b) Any drug product containing sweet spirits of nitre is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act and is a new drug within the meaning of section 201(p) of the act for which an approved new drug application under section 505 of the act and part 314 of this chapter is required for marketing.

(c) Clinical investigations designed to obtain evidence that any drug product containing sweet spirits of nitre for

any use is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs set forth in part 312 of this chapter.

(d) Any drug product containing sweet spirits of nitre in interstate commerce after June 27, 1980, that is not in compliance with this section is subject to regulatory action.

[45 FR 43401, June 27, 1980, as amended at 55 FR 11579, Mar. 29, 1990]

EFFECTIVE DATE NOTE: At 62 FR 12085, Mar. 14, 1997, §310.525 was removed, effective Apr. 14, 1997.

§310.526 Camphorated oil drug products.

(a) Historically, camphorated oil (also known as camphor liniment), a solution of 20 percent camphor in cottonseed oil, has been marketed as an over-the-counter (OTC) drug product for various uses, primarily as a topical counterirritant or liniment. A large number of accidental ingestions of camphorated oil, often mistaken for castor oil, cod liver oil, mineral oil, olive oil, cough medicine, or other drug products, have been reported and toxicity has often resulted, primarily in infants and young children. Because of the potential hazard for poisoning to occur, the benefit from using any drug product containing camphor in oil or from using any camphor-containing drug product that is labeled as "camphorated oil" or "camphor liniment," or any similar name such as "camphor oil" or "camphorated liniment," for any use, is insignificant when compared to the risk. Based upon the adverse benefit-to-risk ratio, camphorated oil, any drug product containing camphor in oil, or any other drug product containing camphor that is represented, suggested, or purported to be camphorated oil, such as a product labeled "camphor liniment," "camphor oil," "camphorated liniment," or any similar name, cannot be considered generally recognized as safe.

(b) Any camphorated oil drug product, any drug product containing camphor in oil, or any other drug product containing camphor that is represented, suggested or purported to be camphorated oil, e.g., "camphor liniment," "camphor oil,"