DEPARTMENT OF HEALTH & HUMAN SERVICES

DEC 10 2001

Food and Drug Administration
Rockville MD 20857

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frederick J. Killion
Monique M. Vasilchick
Winston & Strawn
1400 L Street, N.W.
Washington, D.C. 20005-3502

Christine A. Mundkur
Barr Laboratories, Inc.
2 Quaker Road
P.O. Box 2900
Pomona, N.Y. 10970

Re: Docket Nos. 90P-0081/CP1, 90N-0275/HER1, and 97N-325/HER2

Dear Mr. Killion, Ms. Vasilchick, and Ms. Mundkur:

According to the records of FDA's Dockets Management Branch, the citizen petition and two hearing requests referenced above, submitted on behalf of Barr Laboratories, Inc. (Barr), are still formally unresolved.

On February 23, 1990, you submitted a citizen petition asserting that the labeling for Wyeth Ayerst's conjugated estrogens drug product, Premarin, is false and misleading. On September 24, 1990, you requested a hearing on the Center for Drug Evaluation and Research's (CDER's) refusal to approve Barr's ANDA's 89-596, 89-633, 89-634, 89-656, and 89-659 for conjugated estrogens tablets. On September 8, 1997, you requested a hearing on CDER's refusal to approve Barr's abbreviated new drug application (ANDA) 40-154 for conjugated estrogens tablets.

As part of the Agency's efforts to reduce the backlog of unresolved petitions, the Center for Drug Evaluation and Research (CDER) has reviewed the petitions and other matters assigned to it for action. One goal of this review is to identify proceedings initiated more than five years ago that, as a result of subsequent events, no longer raise significant and current public health issues. CDER believes that responding to these proceedings diminishes the Agency's capacity to address

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in a timely fashion petitions and other matters that raise more significant and current public health issues, as well as its capacity to perform its many other duties.

As you are aware, on May 5, 1997, CDER made public a memo explaining its position on the approvability of a generic version of Premarin. This memo is available on CDER's website at: http://www.fda.gov/cder/news/celetterjw.htm. In the memo, CDER outlined its current position on Premarin's active ingredients, stating that Premarin is not sufficiently characterized to determine all of its active ingredients and concluding that until the active ingredients of Premarin are sufficiently defined, a synthetic generic version of Premarin cannot be approved.

In the memo, CDER also stated that the Agency could approve generic copies of Premarin that originate from the same natural source material (pregnant mares' urine) before the active ingredients are defined, provided that the detailed chemical composition of the drug product is known. CDER stated that because Premarin is manufactured and controlled using certain methods, there could be confidence that generic copies using the same source materials and controlled in the same manner, based on the known composition of Premarin, would have the same level of assurance that the same active ingredients are in the generic product as are in Premarin.

CDER has also submitted proposed revisions to the United States Pharmacopeia (USP) monograph for conjugated estrogens. These proposed revisions include high-pressure liquid chromatography (HPLC) and gas chromatography (GC) quantitative "fingerprint" identification tests for conjugated estrogens. Copies of CDER's transmittal letter to the USP and the proposed monograph are available on CDER's website at: http://www.fda.gov/cder/regulatory/initiatives/cestrogens/ce.pdf.

On March 24, 1999, CDER approved a new drug application (NDA) submitted by Duramed Pharmaceuticals, Inc. (Duramed) for Cenestin (synthetic conjugated estrogens, A) tablets, 0.625 mg and 0.9 mg. On June 29, 2001, it was announced that Barr and Duramed would merge to become one company.

A number of years have passed since your original requests on these matters. During that time, the above outlined policy changes and events have taken place. We have enclosed a copy of your petition and two hearing requests. If you wish to pursue these requests, we ask that you respond to the appropriate docket(s) referenced above, Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. If you decide to pursue any of these matters, we request a detailed explanation of your reasons for pursuing these requests at this time. If we do not receive a written response from you within 30

days, a copy of this letter will be filed in the appropriate docket(s) with instructions that the proceeding be considered voluntarily withdrawn. If you have any questions, please contact me at 301-594-5400.

Sincerely,

Jane A. Axelrad

Jane A. Axelrad
Associate Director for Policy
Center for Drug Evaluation and Research