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Ms. Elizabeth O'Brien  
Sr. Manager, Regulatory Affairs  
Aspire Pharmaceuticals, Inc.  
2915 Weston Road  
Weston, FL 33331

Re: Docket No. 01P-0353/CP1

Dear Ms. O'Brien:

This responds to your citizen petition dated August 13, 2001, requesting that the Food and Drug Administration (FDA) permit the submission of an abbreviated new drug application (ANDA) for a generic albuterol inhalation aerosol, 0.09 mg/inhalation. This ANDA is based on a bioequivalence study using Proventil Albuterol Inhalation Aerosol, 0.09 mg/inhalation, as an alternative reference listed drug to the FDA-designated reference product, Ventolin. For the reasons stated below, your petition is granted.<sup>1</sup>

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) allows the marketing of generic versions of previously approved drug products when the generic version is the subject of an approved ANDA. To gain approval, the ANDA must show, among other things, that with respect to a listed drug (i.e., a previously approved drug product), the generic version has the same active ingredient in the same strength, that its labeling is essentially identical, and that it is bioequivalent (21 CFR 320.21(b)(1)). The specific drug product to which an ANDA refers is the *reference listed drug*.

FDA's policy on the designation of reference listed drugs is described in the preamble to the final rule establishing the requirements for ANDAs, published in the *Federal Register* of April 28, 1992 (57 FR 17950, 17958):

. . . FDA will designate all reference listed drugs. Generally, the reference listed drug will be the NDA drug product for a single source drug product. For multiple source NDA drug products or multiple source drug products without an NDA, the reference listed drug generally will be the market leader as determined by FDA on the basis of

<sup>1</sup> FDA notes that Proventil Albuterol Inhalation Aerosol, 0.09/mg inhalation, contains chlorofluorocarbons (CFC's). This response is limited to the request that FDA designate an alternative reference listed drug and is not intended to address the status of your proposed ANDA under the provisions of the Clean Air Act and/or the Montreal Protocol pertaining to the use of CFC's in medical devices. See 42 U.S.C. 7671(8), 7671c(d)(2), 7671i(e).

01P-0353

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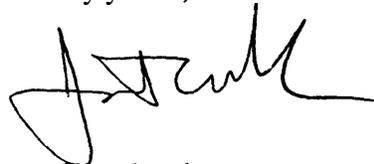
commercial data. **FDA** recognizes that, for multiple source products, a product not designated as the listed drug and not shown bioequivalent to the listed drug may be shielded from direct generic competition. If an applicant believes that there are sound reasons for designating another drug as a reference listed drug it should consult **FDA**.

We have examined the issues presented in your petition and have determined that the submission of an **ANDA** for a generic albuterol based upon a bioequivalence study using Proventil as an alternative to the FDA-designated reference product, Ventolin, is permitted under **FDA** policy.

Finally, we note that the **NDA**s for Proventil and Ventolin were based on the same data, were approved simultaneously in 1981, and for several years both products were produced by the same manufacturer at the same site.

Accordingly, we will designate Proventil, in addition to Ventolin, as a reference listed drug in the *Approved ~~Drug~~ Products with Therapeutic Equivalence Evaluations* (the Orange Book).

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Woodcock', with a large loop at the end.

Janet Woodcock, M.D.  
Director  
Center for Drug Evaluation and Research