DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Silver Spring, MD 20993

TRANSMITTED BY FACSIMILE

Brian Deutsch
Associate, Regulatory Affairs
Warner Chilcott (US), LLC
100 Enterprise Drive
Rockaway, NJ 07866

RE: NDA #022560
Atelvia™ (risedronate sodium) delayed-release tablets
MACMIS #19629

Dear Mr. Deutsch:

The Division of Drug Marketing, Advertising, and Communications (DDMAC) of the U.S. Food and Drug Administration (FDA) has reviewed a video[1] posted on February 14, 2011, on the website *YouTube.com* titled *Brooke Stacey SA, TX Atelvia* by a member of the Warner Chilcott (US), LLC (Warner Chilcott) sales team for Atelvia™ (risedronate sodium) delayed-release tablets (Atelvia), and submitted as a complaint to the DDMAC Bad Ad program. The video is misleading because it makes representations about the use of Atelvia, but fails to present any risks associated with the use of Atelvia and fails to disclose the drug's indication. The video also presents dosing claims for Atelvia that omit material facts and that are misleading. Thus, the video misbrands the drug in violation of the Federal Food, Drug, and Cosmetic Act (the Act), 21 U.S.C. 352(a) & (n); 321(n), and FDA implementing regulations. *See* 21 CFR 202.1(e)(3)(i) & (e)(5). Furthermore, Warner Chilcott failed to submit the video to FDA under cover of Form FDA-2253 as required by 21 CFR 314.81(b)(3)(i).

Background

According to the FDA-approved product labeling (PI), Atelvia is indicated for the treatment of osteoporosis in postmenopausal women. The safety and effectiveness of Atelvia for the treatment of osteoporosis are based on clinical trial data of one year duration. The optimal duration of use has not been determined. All patients on bisphosphonate therapy should have the need for continued therapy re-evaluated on a periodic basis.

Atelvia is contraindicated in patients who have abnormalities of the esophagus which delay esophageal emptying such as stricture or achalasia, who are not able to stand or sit upright for at least 30 minutes, or who have hypocalcemia. According to the Warnings and Precautions section of the PI, patients treated with Actonel® (risedronate sodium) tablets should not receive Atelvia. Atelvia may also cause upper gastrointestinal adverse reactions

[1] Previously available on YouTube at http://www.youtube.com//watch?v=8PDRnycAOkU. Warner Chilcott acknowledged that its employees were involved in the development and dissemination of the video.

(such as local irritation, esophagitis, esophageal ulcers, and esophageal erosions, stricture, or perforation); osteonecrosis of the jaw; severe musculoskeletal pain, and atypical subtrochanteric and diaphyseal femoral fractures. Atelvia is not recommended for use in patients with severe renal impairment (creatinine clearance <30 mL/min) and may interfere with the use of bone imaging agents. The most common adverse reactions (>5%) associated with Atelvia are diarrhea, influenza, arthralgia, back pain, and abdominal pain.

Additionally, the Dosage and Administration section of the PI states (in pertinent part):

> Atelvia should be taken in the morning immediately following breakfast.
>
> When compared with immediate-release risedronate, treatment with Atelvia resulted in a significantly higher incidence of abdominal pain when administered before breakfast under fasting conditions. Atelvia should be taken immediately following breakfast and not under fasting conditions.
>
> To facilitate delivery to the stomach, Atelvia should be swallowed whole while the patient is in an upright position and with at least 4 ounces of plain water. Tablets should not be chewed, cut, or crushed. Patients should not lie down for 30 minutes after taking the medication.

Omission of Risk and Indication Information

Promotional materials, other than reminder pieces, which include the name of the drug product but do not include indications or other representations or suggestions relative to the drug product (see 21 CFR 200.200, 201.100(f), 202.1(e)(2)(i)), are required to disclose risk and other information about the drug. Such materials are misleading if they fail to reveal facts that are material in light of representations made or with respect to consequences that may result from the use of the drug as recommended or suggested by the materials.

The approximately 60-second video opens with a camera pointed to a staff member in the reception area of a physician's office. The off-camera voice of a female Atelvia sales representative opens the video by describing where she is, stating the product she is there to discuss (Atelvia), and making claims about the drug's dosing benefits (e.g., "We now have Atelvia that you can eat and drink with in the morning"; once-a-week dosing) to the staff member. This generates an enthusiastic response from the staff member about Atelvia's dosing. The sales representative and staff member continue their spirited conversation, with the sales representative stating "So we have a . . . new start with Atelvia . . . ." and turning the camera to herself to close the video. The video was posted by the sales representative on the website YouTube.com under the direction of a Warner Chilcott District Manager, where it was made available for viewing by the general public.

The video is misleading because it makes claims for Atelvia but fails to communicate **any** of the risks associated with its use, including contraindications, warnings and precautions, or adverse reactions. By omitting this important risk information, the video misleadingly suggests that Atelvia is safer than has been demonstrated. Furthermore, the video fails to communicate the indication for Atelvia.

Omission of Material Facts/Misleading Claims Regarding Dosing

The video also makes claims about the benefits of Atelvia's dosing. Specifically, the sales representative states, "We now have Atelvia that you can eat and drink with in the morning" and is dosed "once-a-week." The sales representative and staff member then continue to discuss the benefits of Atelvia's dosing schedule. However, these claims omit material facts about Atelvia's dosing (see Background section above). Furthermore, the video misleadingly implies that patients have a choice to eat and drink when taking Atelvia (i.e. "can eat and drink with in the morning"), when the Dosage and Administration section of the PI states, "Atelvia should be taken in the morning immediately following breakfast. . . . [because of the risk of] a significantly higher incidence of abdominal pain when administered . . . under fasting conditions." (emphasis added) Therefore, the video misleadingly suggests that there are no dosing considerations or restrictions with Atelvia, when this is not the case.

Failure to Submit Under Form FDA-2253

FDA regulations require companies to submit specimens of any labeling or advertising devised for promotion of the drug product at the time of initial dissemination of the labeling and at the time of initial publication of the advertisement for a prescription drug product. Each submission is required to be accompanied by a completed transmittal Form FDA-2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) and is required to include a copy of the product's current product labeling. You did not submit a copy of the video referred to in this letter to FDA under cover of Form FDA-2253 at the time of its initial dissemination or publication as required by 21 CFR 314.81(b)(3)(i).

Conclusion and Requested Action

For the reasons discussed above, the video misbrands Atelvia in violation of the Act, 21 U.S.C. 352(a) & (n); 321(n), and FDA implementing regulations. *See* 21 CFR 202.1(e)(3)(i) & (e)(5). Furthermore, the video was not submitted under cover of Form FDA-2253, as required by 21 CFR 314.81(b)(3)(i).

DDMAC acknowledges that Warner Chilcott has undertaken procedures to cease the dissemination of this violative video. Please submit a written response to this letter on or before May 19, 2011, confirming your receipt of this letter, providing a complete listing of all promotional materials (with the 2253 submission date) with same or similar claims and presentations for Atelvia that contain the violations such as those described above, and explaining your plans to cease dissemination of such promotional materials. Please direct your response to me at the Food and Drug Administration, Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, 5901-B Ammendale Road, Beltsville, MD 20705-1266, facsimile at 301-847-8444. In all future correspondence regarding this matter, please refer to MACMIS #19629 in addition to the NDA number. We remind you that only written communications are considered official.

The violations discussed in this letter do not necessarily constitute an exhaustive list. It is your responsibility to ensure that your promotional materials for Atelvia comply with each applicable requirement of the Act and FDA implementing regulations.

Sincerely,

{See appended electronic signature page}

Michelle Safarik, MSPAS, PA-C
Regulatory Review Officer
Division of Drug Marketing,
Advertising, and Communications

This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.

/s/

MICHELLE L SAFARIK
05/05/2011