



Food and Drug Administration
Rockville MD 20857

FEB 27 2003

AAC Consulting Group
Attention: Anthony C. Celeste
7361 Calhoun Place, Suite 500
Rockville, MD 20855-2765

Docket No. 02P-0249/CP1

Dear Sir:

This is in response to your petition filed on May 30, 2002, requesting permission to file an Abbreviated New Drug Application (ANDA) for the following drug product: Mirtazapine Tablets, 7.5 mg. The listed drug product to which you refer in your petition is Remeron® (Mirtazapine) Tablets, 15 mg approved under NDA 20-415 held by Organon, Inc.

During the review of this petition the FDA also considered the comments submitted on August 16, 2002, by Arent Fox Kintner Plotkin & Kahn, PLLC (Arent Fox), a law firm representing Organon. Arent Fox requested that FDA consider several issues related to the safety and effectiveness of the proposed 7.5 mg strength when determining whether to approve the change requested in the petition.

Your request involves a change in strength from that of the listed drug product (i.e., from 15 mg to 7.5 mg). The change you request is the type of change that is authorized under the Federal Food, Drug, and Cosmetic Act (Act).

We have reviewed your petition under Section 505(j)(2)(C) of the Act and have determined that it is approved. This letter represents the Food and Drug Administration's (FDA) determination that an ANDA may be submitted for the above-referenced drug product.

Under Section 505(j)(2)(C)(i) of the Act, the FDA must approve a petition seeking a strength that differs from the strength of the listed drug product unless it finds that investigations must be conducted to show the safety and effectiveness of the differing strength.

The FDA finds that the change in strength for the specific proposed drug product does not pose questions of safety or effectiveness because the uses, dose, and route of administration of the proposed drug product are the same as that of the listed drug product. The proposed Mirtazapine Tablets, 7.5 mg, could conceivably benefit those patients undergoing dosage titration who are unable or unwilling to split the dosage strengths currently available to attain an intermediary dose. In addition, the labeling also recommends that care should be taken in dose selection in elderly patients and others with renal or hepatic impairment.

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The FDA concludes, therefore, that investigations are not necessary in this instance. In addition, if shown to meet bioavailability requirements, the proposed drug product can be expected to have the same therapeutic effect as the listed reference drug product.

The approval of this petition to allow an ANDA to be submitted for the above-referenced drug product does not mean that the FDA has determined that an ANDA will be approved for the drug product. The determination of whether an ANDA will be approved is not made until the ANDA itself is submitted and reviewed by the FDA.

For your information, the listed drug product to which you refer is covered by a period of patent protection which appears in the Approved Drug Products With Therapeutic Equivalence Evaluations, 23rd Edition, published by the FDA. The existence of such a patent will require a certification upon submission of an ANDA for your proposed drug product and may also affect the approval date of any ANDA.

To permit review of your ANDA submission, you must submit all information required under Sections 505(j)(2)(A) and (B) of the Act. To be approved, the drug product will, among other things, be required to meet current bioavailability requirements under Section 505(j)(2)(A)(iv) of the Act. We suggest that you submit your protocol for this drug product to the Office of Generic Drugs, Division of Bioequivalence prior to the submission of your ANDA. During the review of your application, the FDA may require the submission of additional information.

The listed drug product to which you refer in your ANDA must be the one upon which you based this petition. In addition, you should refer in your ANDA to the appropriate petition docket number cited above, and include a copy of this letter in the ANDA submission.

A copy of this letter approving your petition will be placed on public display in the Dockets Management Branch, Room 1061, Mail Stop HFA-305, 5630 Fishers Lane, Rockville, MD 20852.

Sincerely yours,



Gary J. Buehler
Director
Office of Generic Drugs
Center for Drug Evaluation and Research