



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

JUL 11 2014

Via UPS Delivery

Jason Smith  
Manager, Regulatory Affairs  
Bausch and Lomb  
50 Technology Drive  
Irvine, CA 92618

Re: Submission of Clinical Trial Information Pursuant to 42 U.S.C. § 282(j)  
Reference Number: FDA-2014-108 (NCT01140477)

Dear Mr. Smith:

In reviewing certain records contained in the ClinicalTrials.gov data bank, operated by the National Institutes of Health/National Library of Medicine (NIH/NLM), and records of the Food and Drug Administration (FDA), FDA has identified potential non-compliance with certain clinical trial information related to NCT01140477. Clinical trial registration and results submission requirements are described in section 801 of the Food and Drug Administration Amendments Act of 2007. Based on an initial review, your company appears to be the responsible party for NCT01140477 and it appears that the records for the referenced clinical trial may be missing clinical trial results information required to be submitted under section 402(j)(3) of the Public Health Service Act (PHS Act) (42 U.S.C. § 282(j)(3)). Your company should review this record and determine whether your company submitted all required information. If you determine that corrections, updates, or additional information should be submitted, please submit them promptly.

On March 8, 2012, your company submitted Form FDA 3674, a form used to satisfy the certification requirement of section 402(j)(5)(B) of the PHS Act (42 U.S.C. § 282(j)(5)(B)), with submission of PMA P030002/S27. In the Form FDA 3674, your company indicated that NCT01140477 was an applicable clinical trial under section 402(j) of the PHS Act (42 U.S.C. § 282(j)).

Our preliminary review of records suggests that there may be clinical trial results which should have been submitted in June 2013 (30 days after approval of PMA P030002/S27) to ClinicalTrials.gov related to NCT01140477.

FDA intends to conduct a further review and assessment of the above-referenced clinical trial beginning 30 days after the date you receive this letter. If a further review and assessment of the record related to NCT 01140477 results in a determination, at that time, that your company is not in compliance with all applicable requirements of section 402(j) of the PHS Act (42 U.S.C.

§ 282(j)), your company may receive from FDA a notice under section 402(j)(5)(C)(ii) of the PHS Act (42 U.S.C. § 282(j)(5)(C)(ii)). After FDA sends such a notice to a responsible party, FDA could initiate an administrative action seeking a civil monetary penalty against the responsible party. Failure to submit clinical trial information required under section 402(j) of the PHS Act (42 U.S.C. § 282(j)) is a prohibited act under section 301(jj)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. § 331(jj)(2)). Pursuant to section 303(f)(3)(A) of the FD&C Act (21 U.S.C. § 333(f)(3)(A)), “[a]ny person who violates section 301(jj) shall be subject to a civil monetary penalty of not more than \$10,000 for all violations adjudicated in a single proceeding.”

Moreover, section 303(f)(3)(B) of the FD&C Act (21 U.S.C. § 333(f)(3)(B)) provides that “[i]f a violation of section 301(jj) is not corrected within the 30-day period following receipt of a [notice issued] under section 402(j)(5)(C)(ii) [of the PHS Act (42 U.S.C. § 282(j)(5)(C)(ii))], the person shall, in addition to any penalty under subparagraph (A), be subject to a civil monetary penalty of not more than \$10,000 for each day of the violation after such period until the violation is corrected.”

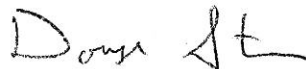
In addition to civil monetary penalties, violations of section 301(jj) of the FD&C Act (21 U.S.C. § 331(jj)) also could result in other regulatory action without further notice, such as injunction and/or criminal prosecution.

As requested, please review your company’s NCT01140477 clinical trial record at <http://www.clinicaltrials.gov> and make any necessary submissions or corrections of clinical trial information as required under section 402(j)(3) of the PHS Act (42 U.S.C. § 282(j)(3)). If you have any questions about this letter, please call Patrick J. McNeilly, Ph.D., at (301) 796-2941 or email [patrick.mcneilly@fda.hhs.gov](mailto:patrick.mcneilly@fda.hhs.gov). Responses to this letter should be addressed to:

Patrick J. McNeilly, Ph.D.  
Food and Drug Administration  
WO 32, Rm 5169  
10903 New Hampshire Ave.  
Silver Spring, MD 20993

Please have the reference number provided above available when you call and include it with any written communications.

Sincerely,



Douglas Stearn  
Director  
Office of Enforcement and Import Operations  
Office of Regulatory Affairs