Orange Book
Drug Marketing Status

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Generic Drug Forum – April 10th, 2024

Objectives

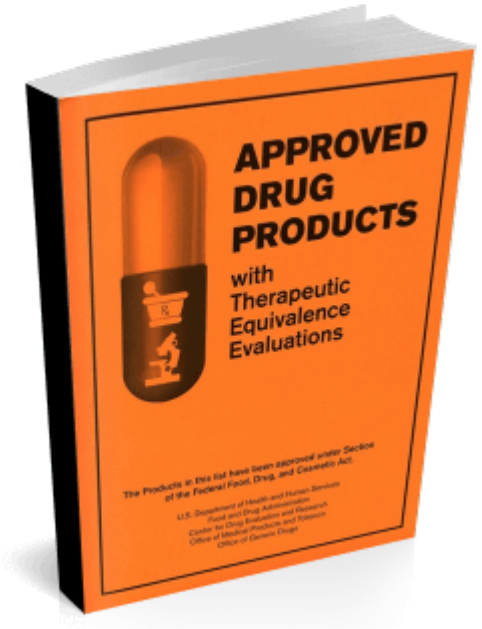
- Present a brief history of the Orange Book
- Describe the basics of marketing status changes
- Describe 506I marketing status report requirements
- Discuss three case studies on 506I marketing

Background of the Publication

- 1980 – 1st Orange Book Edition publication
- 1984 – Passage of the Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Amendments)
  - Approved prescription drug products with therapeutic equivalence evaluation
- 1985 – 6th Edition of the Orange Book annual publication
  - FDA began identifying discontinued drug products in the Prescription Drug Product List section in the Orange Book
- 1987 – 7th Edition of the Orange Book annual publication
  - A distinct Discontinued Drug Product List (Discontinued Section) was created in the Orange Book publication

Orange Book Preface

- 1.11 Discontinued Section
- 1.12 Changes to the Orange Book



Publication Frequency

- When and how often is the Orange Book updated?
  - Information is updated by website and as downloadable PDFs.
  - Updates are made daily, semi-monthly, monthly and annual basis
- What information is included in the updates?
  - Daily website updates: patent information and new generic drug approvals
  - Semi-monthly website: all changes which occurred in the current month.
  - Monthly data files update consist of all changes to Orange Book which occurred in the prior month.
  - Print Annual Edition of Orange Book consist of full copy of all the changes in the Orange Book which occurred in the prior year.

506I Marketing Status Report Requirements

- FDA Reauthorization Act (FDARA) of 2017 added section 506I to the FD&C Act

Marketing Status	Sponsor Identifies Prominently As
Withdrawal From Sale	ADMINISTRATIVE CHANGE / NOT AVAILABLE FOR SALE
Drug Not Available for Sale	
Marketing Begins	ADMINISTRATIVE CHANGE / NOTIFICATION OF COMMERCIAL MARKETING

506I Marketing Status Report Requirements (continued)

Notification of a WITHDRAWAL From Sale

- National Drug Code(s) (NDCs) under which the drug is listed (21 CFR part 207)
- Established name of the drug
- Proprietary name of the drug, if applicable
- NDA or ANDA number
- Strength of the drug
- Date on which the drug is expected to no longer be available for sale
- Reason for the withdrawal

506I Marketing Status Report Requirements (continued)

Notification of a Drug NOT AVAILABLE for Sale

- Established name of the drug
- Proprietary name of the drug, if applicable
- NDA or ANDA number
- Strength of the drug
- Date on which the drug will be available for sale, if known
- Reason for not marketing the drug after approval

Recommendations for notifying of planned re-launch

- FDA recommends NDA or ANDA holder notify FDA in a letter to the applicable NDA or ANDA file 30 to 60 days before the anticipated launch date
- Application holder should prominently identify the submission as an "ADMINISTRATIVE CHANGE / NOTIFICATION OF COMMERCIAL MARKETING." Please include the following:
  - 1) anticipated launch date of the product, and
  - 2) whether the submission of a supplement is required prior to reintroduction of the drug product(s) into the marketplace
- If a prior approval supplement (PAS) is required, please submit the "ADMINISTRATIVE CHANGE / NOTIFICATION OF COMMERCIAL MARKETING" notice 1-2 months prior to the goal date for your PAS. If the PAS is pending approval or denied, DOBPRA will not return the drug to the active section until the PAS is approved.

Challenge Question #1

Which of the following statements is NOT true about 506I Notifications?

A. Notification of withdrawal from sale — when the applicant has ceased marketing the product under all relevant NDCs.

B. Notification of withdrawal from sale — NDA holders with both brand and authorized generic drug product should only submit their request when both will cease marketing.

C. Notification of withdrawal from sale and Notification of drug not available for sale — should be submitted as ADMINISTRATIVE CHANGE / NOTIFICATION OF COMMERCIAL MARKETING to the NDA or ANDA and filed through the electronic gateway.

D. Notification of drug not available for sale — if an application holder intends to market within 180 days of the date of approval of a drug, no notification under this section to FDA is required.

Marketing Status Case Studies

Case Study 1: 506I to Move to Discontinued Section

General Correspondence –
ADMINISTRATIVE CHANGE / NOT AVAILABLE FOR SALE
CHANGE IN CONTACT

June 14, 2024

Dear Division Director:

In accordance with Section 506I of the Federal Food, Drug and Cosmetic Act and the Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act; Content and Format Guidance for Industry (August 2020), ABC Inc. is hereby submitting a notification that Orange (orange sodium) Oral Tablets 80 mg is not available for sale.

In accordance with the above-mentioned Guidance, the following information is provided:

1. The National Drug Code(s) (NDCs) under which the drug is listed (21 CFR part 207):

NDC	Strength	Marketing End Date
NDC 01234-5678-01	80 mg	06/30/2025

2. The established name of the drug: orange sodium
3. The proprietary name of the drug, if applicable: Orange Oral Tablets
4. The NDA or ANDA number: NDA 123456
5. The strength of the drug: 80 mg.
6. The date on which the drug is expected to no longer be available for sale: 06/30/2025
7. The reason for the withdrawal: Permanent discontinuation of the product as a result of the business decision made by ABC Inc.

Case Study 2:
Notification to Commence Marketing

Return to Active ANDA

- ANDA submitted a letter to the Agency on 11/30/2024 requesting to return all four strengths back to market, pending a Prior Approval Supplement (PAS) approval.
- As of 11/30/2024, ANDA was in the active section, but upon receiving request we evaluated our records, which showed lack of distribution data since 2018.
    - As a result, products were moved to the DISCN section. Note that the ANDA holder should have sent 506I notification in 2018.
- PAS was approved on 1/22/25, so DOBPRA returned to active section at that point.

Case 3: 506I Marketing Notification Ambiguity

January 17, 2025

ADMINISTRATIVE CHANGE/PRODUCT NOT AVAILABLE FOR SALE (NOTIFICATION OF WITHDRAWAL FROM SALE)

Office of Generic Drugs, CDER, FDA
Central Document Room
5901-B Ammendale Road Beltsville,
MD 20705-1266

RE: ORANGE SODIUM TABLETS USP, 10 MG and 100 MG

ANDA 123456
SEQUENCE NUMBER: 0062
(**Notification of Withdrawal From Sale**)

Dear Office of Generic Drugs:

Reference is made to the Abbreviated New Drug Application (ANDA) identified above. The purpose of this correspondence is to notify the FDA that ABC Inc., Orange Sodium Tablets USP, will be discontinued from

Page 2 of 2

It is important to note that this product is still available for commercial distribution. After expiry is reached, we will request via email that the Orange Book staff move the product to the discontinued section of the *Approved Drug Products with Therapeutic Equivalence Evaluations* (Electronic Orange Book).

Should we decide to recommence commercial distribution of this product, we commit to provide all appropriate product updates in accordance with the applicable regulations and guidance documents.

All files in this sequence have been scanned utilizing Symantec antivirus software and are free of known viruses. All inquiries regarding this sequence should be directed to the responsible officials listed in Form FDA 356h.

Sincerely,

John D.
Senior Manager, Regulatory Affairs

Challenge Question #2

Which of the following statements is true?

A. All Orange Book changes are published on a bi-weekly schedule.

B. If a PAS is required prior to launch, the application holder should notify FDA 1 to 2 months prior to the anticipated approval of the supplement that the application holder is seeking market entry.

C. Application holders that have multiple NDCs, some of which are still marketed, or have authorized generics that are still being marketed, may request FDA to discontinue their drug product(s).

D. The NDA or ANDA holder may submit a notification of marketing status change via email to the orangebook@fda.hhs.gov.

E. All the above are true.

Resources

- Orange Book Web page: Approved Drug Products with Therapeutic Equivalence Evaluations | Orange Book
- Orange Book Questions and Answers Guidance for Industry (July 2022)
- Marketing Status Notifications Under Section 506I of the Federal Food, Drug, and Cosmetic Act (August 2020)

Summary

- The Orange Book receives marketing status changes daily and strives to provide the most up-to-date information through regular updates.
- To facilitate processing of your request for a marketing status update, application holders should adhere to the requirements for marketing status updates.
- Your marketing status request should clearly provide the specific date on which each strength(s) is being withdrawn from sale or returned to the market.
- Marketing status changes are typically updated and published bi-weekly in the Electronic Orange Book (EOB).
- Further questions may be answered in our Q&A, or you may email your inquiry to our mailbox at Orangebook@fda.hhs.gov.

Questions?

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