CHEMISTRY

DRUG APPLICATION APPROVAL
501(b) POLICY

CONTENTS

PURPOSE

- This guide establishes policy applicable to drug application approval with regard to official compendial standards and Section 501(b) of the Federal Food, Drug, and Cosmetic Act (the Act).

BACKGROUND

- Section 501(b) of the Act states that the determination of the strength, quality, and purity of a drug recognized in an official compendium shall be made in accordance with the tests or methods of assay set forth in the compendium. Such tests and methods are relied on by FDA for enforcement purposes.

- Historically, new drug applications or supplements have often contained methods and specifications different from those in the compendium, resulting in dual standards and thereby creating potential enforcement difficulties. In a revision of regulations governing new and abbreviated drug applications and supplements (i.e., the NDA Rewrite), FDA provides that reference to the current edition of the U.S. Pharmacopeia and the National Formulary may satisfy relevant technical requirements of applications. To assist in avoiding dual standards, the Center for Drug Evaluation and Research's (CDER's) full participation in the Pharmacopeial Forum review is essential and critical. An efficient and timely review of Pharmacopeial Forum proposals is necessary to identify those that will not provide as good assurance of quality as the NDA standard.

- To implement the provisions of the NDA Rewrite and diminish regulatory difficulties, the policy statements in this guide have been adopted by CDER to apply to the drug application approval process.

DEFINITION

- **Official compendium:** The official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, official National Formulary, or any supplement to these publications.

REFERENCES

- Federal Food, Drug, and Cosmetic Act, Sections 201(g) and (j) and 501(b).
- Code of Federal Regulations, Title 21, Part 314, Subpart B [21 CFR §314.50(d)(1)(I) and (ii); and §314.70(b) and (c)].

POLICY

- When a USP monograph exists and an ANDA/NDA application is submitted to the Agency, reviewers are not to approve regulatory methods/specifications (i.e., those which must be relied upon for enforcement purposes) that differ from those in the USP, unless a recommendation is being or has been sent to the USPC through Compendial Operations Branch (COB) to change the methods/specifications. Direct notification to the U.S. Pharmacopeial Convention, Inc. by applicants does not absolve reviewers of their obligation to notify COB. Each Office within the Center should determine its own standard operating procedures under the policy decision.
- With regard to approved ANDA/NDAs, the methods and specifications which do not conform to USP standards (e.g., certain dissolution methods/specifications) should be identified, and those USP standards that are deemed inadequate (insufficient) by FDA reviewers should be brought to COB's attention.

EFFECTIVE DATE

- This guide is effective upon date of publication.