February 22, 2023

Tracey Forfa
Director
Center for Veterinary Medicine
Food and Drug Administration
HFV-100
7519 Standish Place
Rockville, MD 20855

Dear Director Forfa,

The Center for Veterinary Medicine (CVM) took an important step toward protecting animal health and the FDA animal drug approval process with the finalization of Guidance for Industry #256: Compounding Animal Drugs from Bulk Drug Substances – Guidance for Industry. This Guidance will help to stem the rampant and unregulated production and distribution of super- and sub- potent medicines that have for too long threatened animal health. And it is a meaningful step toward bolstering the CVM approval process, which is undermined by the growing trend among some compounding pharmacies of copying approved medicines through bulk compounding practices.

However, the benefits of this policy will be diminished without vigorous enforcement. As the associations representing both generic and pioneer drug companies that have been harmed by the lack of clarity in this area, GADA and AHI call on FDA to defend their policies and the Food, Drug and Cosmetic Act (FDCA) by strongly and swiftly enforcing the guidance come April 2023. However, there are current practices involving the blatant copying of approved products where FDA can and should act now and not delay until enforcement of the Guidance document begins.

We recognize that FDA delayed compliance from October 1, 2022, as originally planned, until April 2023, to allow stakeholders time to amend their practices to comply with the guidance. However, rather than prepare for compliance, some compounding pharmacists are abusing this grace period by further pushing efforts to copy approved animal medicines. For example, a compounding pharmacy is advertising to veterinarians that they will compound a copy of the drug Vetmedin® (pimobendan), notwithstanding that there is both a fully approved[1] and conditionally approved[2] version of this product on the market. Pimobendan is also under patent until 2025.[3] This is a blatant and intentional violation of the Food, Drug and Cosmetic Act and direct disregard of the FDA's policy under GFI #256.

[1] https://animaldrugsatfda.fda.gov/adafda/views/#/home/previewsearch/141-273
[2] https://animaldrugsatfda.fda.gov/adafda/views/#/home/previewsearch/141-556
[3] https://www.federalregister.gov/documents/2009/02/10/E9-2684/determination-of-regulatory-review-period-for-purposes-of-patent-extension-vetmedin

While FDA waits illegal compounding continues to put animals and the public at risk. For example, products, such as altrenogest, are being marketed by compounding pharmacies at significantly higher strengths than the legally marketed products and without human user safety warning that are required on the legally-marketed pioneer and generic products. Additionally, compounders are direct calling veterinarians to advertise unapproved combinations of products such as tulathromycin + meloxicam and Albendazole + Levamisole as replacements for approved combinations. These unapproved combinations have never been assessed for human food safety, target animal safety, or effectiveness. In addition to not complying with the FD&C Act or the GFI, this can have negative effects on antibiotic resistance and food safety.

Horse owners have been a frequent target of deceptive advertising, and this continues to be true. For example, a compounding firm is reaching out to horse owners asking them to enroll in a protocol to administer a compounded drug combination of omeprazole and fenbendazole daily for 21 days via a paste formulation for the treatment of equine gastric ulcer disease. This advertised compounded formulation did not have an FDA-approved license yet was being advertised directly to equine veterinarians and owners.

CVM requires generic drugs provide significant data to prove they are equivalent to approved product and to comply with good manufacturing practices (GMP). Yet, there are several examples of compounding pharmacies copying these medications. Examples include:

- **Amoxicillin+ clavulanate** tabs and drops
- **Clindamycin** capsules and oral solutions
- **Enrofloxacin** tablets and oral solutions
- **Furosemide** tablets and oral suspensions
- **Cyclosporine** oral capsules for dogs
- **Phenylbutazone** paste, tablets for dogs and horses.

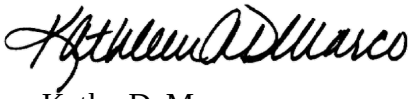
The grace period offered by FDA before enforcement begins is being abused. These blatant violations will only make it harder for the Center to enforce the guidance as compounding pharmacies and users become accustomed to the current abuses. The grace period should be used to work toward compliance, not away from it.

AHI is a strong supporter of robust appropriations for the Center for Veterinary Medicine. Likewise, Congress recognizes the important role CVM plays in protecting human and animal health. This was most recently demonstrated by appropriating $230 million in discretionary funding to the CVM, an increase of $28 million above the fiscal year 2022 enacted level. With this investment from US taxpayers, CVM is well positioned to defend the FDCA and its policy on illegal compounding from bulk drug substances.

The rampant illegal compounding of animal drugs from bulk substances threatens animal health and undermines the FDA approval process. While we recognize that compounding of animal drugs from bulk substances is medically necessary in some situations, current practices go far beyond these limits. FDA has taken the first step by clarifying the policy. Now, it's important that the Agency enforces the law and its decision. We urge the Center to take steps now against egregious copying of approved products, even before full enforcement begins, to curb these abuses and incentivize pharmacies to work toward compliance.

Sincerely,

Alexander S. Mathews
President & CEO
Animal Health Institute



Kathy DeMarco
Executive Director
Generic Animal Drug Alliance