DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Silver Spring, MD 20993

Johannes Czernin, MD
University of California Los Angeles (UCLA)
650 Charles E Young Drive South CHS 23-170
Los Angeles, CA 90095

RE: [redacted]
Gallium-68 [redacted] (68Ga-PSMA[redacted])
MA 1

Dear Dr. Czernin:

The Office of Prescription Drug Promotion (OPDP) of the U.S. Food and Drug Administration (FDA) has reviewed a webpage[1] entitled "Prostate Cancer Imaging: PSMA-PET Imaging for Prostate Cancer" (webpage) and a brochure available through the webpage entitled "New imaging test accurately detects prostate-cancer cells throughout the body" (brochure) for the investigational new drug Gallium-68 [redacted] (Ga68-PSMA[redacted]). You are receiving this letter as the authorized representative of UCLA, the sponsor of Ga68-PSMA[redacted]. The webpage and brochure suggest in a promotional context that Ga68-PSMA[redacted], an investigational new drug, is safe and effective for the purpose for which it is being investigated or otherwise promotes the drug. As a result, Ga68-PSMA[redacted] is misbranded under section 502(f)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) and in violation of section 301(k) of the FD&C Act. The claims in the webpage and brochure are concerning from a public health perspective because they make conclusory representations in a promotional context regarding the safety and efficacy of an investigational new drug that has not been approved by the FDA and whose safety and efficacy have not yet been established.

Background

Ga68-PSMA[redacted] is an investigational new drug for which there is no marketing authorization in the United States. [redacted]

Misbranding of an Investigational Drug

Under section 502(f)(1) of the FD&C Act, a drug shall be deemed to be misbranded unless its labeling bears adequate directions for use. Under FDA regulations, adequate directions for use means directions under which the layman can use a drug safely and for the purposes for which it is intended. 21 CFR 201.5. Your webpage and brochure describe

[1] Found at http://urology.ucla.edu/psma-pet-imaging. Last accessed November 29, 2017.

Ga68-PSMA (b) (4) as a new option for use in PET scans to detect prostate-cancer cells throughout the body. This use is one for which a prescription would be needed because it requires the supervision of a physician and, thus, adequate directions for lay use cannot be written.

Although 21 CFR 201.115(b) provides an exemption from the adequate directions for use requirement in section 502(f)(1) of the FD&C Act if a new drug "complies with section 505(i) . . . and regulations thereunder," your investigational drug fails to do so.[2] Among the requirements for the exemption for investigational drugs, 21 CFR 312.7 provides that "[a] sponsor or investigator, or any person acting on behalf of a sponsor or investigator, shall not represent in a promotional context that an investigational new drug is safe or effective for the purposes for which it is under investigation or otherwise promote the drug. This provision is not intended to restrict the full exchange of scientific information concerning the drug, including dissemination of scientific findings in scientific or lay media. Rather, its intent is to restrict promotional claims of safety or effectiveness of the drug for a use for which it is under investigation and to preclude commercialization of the drug before it is approved for commercial distribution."

The webpage and brochure contain claims that promote Ga68-PSMA (b) (4) as safe and effective for the purpose for which it is being investigated or otherwise promote the drug, including the following:

- "New imaging test accurately detects prostate-cancer cells throughout the body"
- "68Ga-PSMA PET/CT imaging, or PSMA-PET imaging for short, represents a major advance in detecting prostate cancer. At UCLA, with the availability of PSMA-PET imaging patients now have a new option of detecting prostate cancer cells anywhere in the body more accurately than traditional methods."
- "Since PSMA-PET imaging became available at UCLA in September, patients now have a new option that's better at detecting the location of prostate-cancer recurrences."
- "This test has had a tremendous and immediate impact on prostate-cancer patients . . .. They can really benefit from this."
- "There are no common side effects or significant risks . . ."
- "In contrast to the traditional studies, PSMA-PET imaging offers high sensitivity and specificity."
- "Whereas the unreliable results of traditional tests can lead to unnecessary or insufficient disease treatment and management decisions, PSMA-PET allows doctors to make more informed treatment decisions. While radiation and surgery are typical in

[2] 21 CFR 201.100 offers another exemption from the requirement for adequate directions for use for prescription drugs provided certain requirements are met; however, Ga68-PSMA (b) (4) does not fall within that exemption because it is an investigational new drug for which there is no marketing authorization in the United States.

localized cases, chemotherapy or hormone therapy might be appropriate in cases where PSMA-PET imaging detects prostate-cancer cells in the bone or lymph nodes. PSMA-PET imaging allows for more informed care, with likely better outcomes as a result."

- "Ga-PSMA PET CT is now offered at UCLA and aims to improve management of recurrent and high-risk cancers."

The above claims make numerous conclusory statements about the safety and effectiveness of Ga68-PSMA(b) (4) suggesting that it is a "[n]ew imaging test [that] accurately detects prostate-cancer cells throughout the body" that "represents a major advance in detecting prostate cancer" with "no common side effects or significant risks" and that "[i]n contrast to traditional studies, PSMA-PET imaging offers high sensitivity and specificity" in "detecting the location of prostate-cancer recurrences." Thus, these claims and presentations suggest in a promotional context that Ga68-PSMA(b) (4), an investigational new drug, is safe or effective for such uses, when FDA has not approved Ga68-PSMA(b) (4) for any use.

Conclusion and Requested Action

For the reasons discussed above, Ga68-PSMA(b) (4) is misbranded under section 502(f)(1) of the FD&C Act and in violation of section 301(k) of the FD&C Act. The claims in the webpage and brochure are concerning from a public health perspective because they make representations in a promotional context regarding the safety and efficacy of an investigational new drug that has not been approved by the FDA.

OPDP requests that UCLA immediately cease violating the FD&C Act, as discussed above. Please submit a written response to this letter on or before January 12, 2018, stating whether you intend to comply with this request, listing all promotional materials for Ga68-PSMA(b) (4) that contain statements such as those described above, and explaining your plan for discontinuing use of such violative materials.

Please direct your response to the undersigned at the **Food and Drug Administration, Center for Drug Evaluation and Research, Office of Prescription Drug Promotion, 5901-B Ammendale Road, Beltsville, Maryland 20705-1266.** A courtesy copy can be sent by facsimile to (301) 847-8444. To ensure timely delivery of your submissions, please use the full address above and include a prominent directional notation (e.g. a sticker) to indicate that the submission is intended for OPDP. Please refer to MA #1 in addition to the (b) (4) in all future correspondence relating to this particular matter. All correspondence should include a subject line that clearly identifies the submission as a Response to Untitled Letter. OPDP reminds you that only written communications are considered official.

The violations discussed in this letter do not necessarily constitute an exhaustive list. It is your responsibility to ensure that your materials for Ga68-PSMA(b) (4) comply with each applicable requirement of the FD&C Act and FDA implementing regulations.

Sincerely,

{See appended electronic signature page}

Zarna Patel, PharmD
Regulatory Review Officer
Division of Advertising & Promotion Review 2
Office of Prescription Drug Promotion

{See appended electronic signature page}
James Dvorsky, PharmD, RAC
Team Leader
Division of Advertising & Promotion Review 2
Office of Prescription Drug Promotion Division

This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.

/s/

JAMES S DVORSKY on behalf of ZARNA PATEL
12/28/2017

JAMES S DVORSKY
12/28/2017