DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
2098 Gaither Road
Rockville MD 20850

FEB 1 1 2000

Ms. Melissa M. Traylor, RAC
Director of Technical Services
Regulatory Affairs
Hardy Diagnostics
1430 West McCoy Lane
Santa Maria, California 93455

Re: K994129
Trade Name: HardyDisk™ Cefixime 5mcg
Regulatory Class: II
Product Code: JTN
Dated: December 2, 1999
Received: December 7, 1999

Dear Ms. Traylor:

We have reviewed your Section 510(k) notification of intent to market the device referenced above and we have determined the device is substantially equivalent (for the indications for use stated in the enclosure) to legally marketed predicate devices marketed in interstate commerce prior to May 28, 1976, the enactment date of the Medical Device Amendments, or to devices that have been reclassified in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (Act). You may, therefore, market the device, subject to the general controls provisions of the Act. The general controls provisions of the Act include requirements for annual registration, listing of devices, good manufacturing practice, labeling, and prohibitions against misbranding and adulteration.

If your device is classified (see above) into either class II (Special Controls) or class III (Premarket Approval), it may be subject to such additional controls. Existing major regulations affecting your device can be found in the Code of Federal Regulations, Title 21, Parts 800 to 895. A substantially equivalent determination assumes compliance with the Current Good Manufacturing Practice requirements, as set forth in the Quality System Regulation (QS) for Medical Devices: General regulation (21 CFR Part 820) and that, through periodic QS inspections, the Food and Drug Administration (FDA) will verify such assumptions. Failure to comply with the GMP regulation may result in regulatory action. In addition, FDA may publish further announcements concerning your device in the Federal Register. Please note: this response to your premarket notification submission does not affect any obligation you might have under sections 531 through 542 of the Act for devices under the Electronic Product Radiation Control provisions, or other Federal laws or regulations.

This letter will allow you to begin marketing your device as described in your 510(k) premarket notification. The FDA finding of substantial equivalence of your device to a legally marketed predicate device results in a classification for your device and thus, permits your device to proceed to the market.

If you desire specific advice for your device on our labeling regulation (21 CFR Part 801 and additionally 809.10 for in vitro diagnostic devices), please contact the Office of Compliance at (301) 594-4588. Additionally, for questions on the promotion and advertising of your device, please contact the Office of Compliance at (301) 594-4639. Also, please note the regulation entitled, "Misbranding by reference to premarket notification" (21CFR 807.97). Other general information on your responsibilities under the Act may be obtained from the Division of Small Manufacturers Assistance at its toll-free number (800) 638-2041 or (301) 443-6597 or at its internet address "http://www.fda.gov/cdrh/dsma/dsmamain.html".

Sincerely yours,

Steven Gutman

Steven I. Gutman, M.D., M.B.A.
Director
Division of Clinical Laboratory Devices
Office of Device Evaluation
Center for Devices and Radiological Health

Enclosure

HARDY DIAGNOSTICS

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Fax: (801) 553-3214

Phoenix, Arizona
535 W. Iron Ave., #105
Mesa, AZ 85210
Tel: (800) 995-8466
Fax: (602) 464-9829

510K Number K994129

Indications for Use Statement-HardyDisk™ Cefixime 5mcg

HardyDisk™ Antimicrobial Sensitivity Disks are used for semi-quantitative in vitro susceptibility testing by the agar diffusion test procedure (Kirby-Bauer) of rapidly growing and certain fastidious bacterial pathogens. Standardized methods for agar diffusion testing have been described for Enterobacteriaceae, *Staphylococcus* spp., *Pseudomonas* spp., *Acinetobacter* spp., *Listeria monocytogenes*, *Enterococcus* spp., other streptococci and, by modified procedures, *Haemophilus influenzae*, *Neisseria gonorrhoeae* and *Streptococcus pneumoniae*.

HardyDisk™ Cefixime is indicated for in vitro activity against the Enterobacteriaciae, *Streptococcus* spp., *Haemophilus* spp., *Neisseria gonorrhoeae* and *Moraxella catarrhalis*.

<End>

Concurrence of CDRH-ODE

Wendy Dubois

(Division Sign-Off)
Division of Clinical Laboratory Devices
510(k) Number K994129

Prescription Use X
(per 21 CFR 801.109)

OR

Over-the Counter-Use ____
(Optional format 1-2-96)