



NDA 22-007/S-004

SUPPLEMENT APPROVAL

Dey Pharma, L.P.
2751 Napa Valley Corporate Drive
Napa, CA 94558

Attention: Wayne Talton
Vice President, Regulatory Affairs

Dear Mr. Talton:

Please refer to your Supplemental New Drug Application (sNDA) dated March 19, 2010, received March 19, 2010, submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (FDCA) for Perforomist (formoterol fumarate) Inhalation Solution.

In addition, we acknowledge receipt of your submissions dated May 18 and 25, 2010.

SAFETY LABELING CHANGES

Reference is also made to our letter dated February 18, 2010, notifying you, under Section 505(o)(4) of the FDCA, of new safety information that we believe should be included in the labeling for all long-acting beta-agonist (LABA) products. This information pertains to the risk of serious asthma outcomes (asthma related death, intubations, and hospitalizations) with the use of the class of the LABA, of which Perforomist (formoterol fumarate) Inhalation Solution is a member.

This supplemental NDA provides for revisions to the Medication Guide and package insert for Perforomist (formoterol fumarate) Inhalation Solution consistent with the agreed upon changes to the language included in our February 18, 2010, Safety Labeling Change Notification letter, and telephone facsimiles dated May 6, and 12, 2010.

We have completed our review of this supplemental application, as amended. This application is approved, effective on the date of this letter, for use as recommended in the enclosed, agreed-upon labeling text.

(b) (4)

As soon as possible, but no later than 14 days from the date of this letter, submit, using the FDA automated drug registration and listing system (eLIST), the content of labeling [21 CFR 314.50(1)] in structured product labeling (SPL) format, as described at <http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm>, that is

identical to the enclosed labeling (text for the package insert, and text for the Medication Guide submitted on May 25, 2010), and include the labeling changes proposed in any pending “Changes Being Effected” (CBE) supplements. Information on submitting SPL files using eLIST may be found in the guidance for industry titled “SPL Standard for Content of Labeling Technical Qs and As” at

<http://www.fda.gov/downloads/DrugsGuidanceComplianceRegulatoryInformation/Guidances/UCM072392.pdf>.

The SPL will be accessible from publicly available labeling repositories.

Also within 14 days, amend all pending supplemental applications for this NDA, including pending “Changes Being Effected” (CBE) supplements, for which FDA has not yet issued an action letter, with the content of labeling [21 CFR 314.50(l)(1)(i)] in MS Word format that includes the changes approved in this supplemental application.

PROMOTIONAL MATERIALS

You may request advisory comments on proposed introductory advertising and promotional labeling. To do so, submit, in triplicate, a cover letter requesting advisory comments, the proposed materials in draft or mock-up form with annotated references, and the package insert(s) to:

Food and Drug Administration
Center for Drug Evaluation and Research
Division of Drug Marketing, Advertising, and Communications
5901-B Ammendale Road
Beltsville, MD 20705-1266

As required under 21 CFR 314.81(b)(3)(i), you must submit final promotional materials, and the package insert(s), at the time of initial dissemination or publication, accompanied by a Form FDA 2253. For instruction on completing the Form FDA 2253, see page 2 of the Form. For more information about submission of promotional materials to the Division of Drug Marketing, Advertising, and Communications (DDMAC), see <http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm090142.htm>.

All promotional materials for your drug product that include representations about your drug product must be promptly revised to make it consistent with the labeling changes approved in this supplement, including any new safety information [21 CFR 314.70(a)(4)]. The revisions to your promotional materials should include prominent disclosure of the important new safety information that appears in the revised package labeling. Within 7 days of receipt of this letter, submit your statement of intent to comply with 21 CFR 314.70(a)(4) to the address above or by fax to 301-847-8444.

As required under 21 CFR 314.81(b)(3)(i), you must submit your updated final promotional materials, and the package insert(s), at the time of initial dissemination or publication, accompanied by a Form FDA-2253, directly to the above address. For instruction on completing

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the Form FDA 2253, see page 2 of the Form. For more information about submission of promotional materials to the Division of Drug Marketing, Advertising, and Communications (DDMAC), see <http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm090142.htm>.

LETTERS TO HEALTH CARE PROFESSIONALS

If you decide to issue a letter communicating important safety-related information about this drug product (i.e., a “Dear Health Care Professional” letter), we request that you submit, at least 24 hours prior to issuing the letter, an electronic copy of the letter to this NDA, to CDERMedWatchSafetyAlerts@fda.hhs.gov, and to the following address:

MedWatch
Food and Drug Administration
Suite 12B-05
5600 Fishers Lane
Rockville, MD 20857

REPORTING REQUIREMENTS

We remind you that you must comply with reporting requirements for an approved NDA (21 CFR 314.80 and 314.81).

If you have any questions, call Eunice Chung, Regulatory Project Manager, at (301) 796-4006.

Sincerely,

{See appended electronic signature page}

Badrul A. Chowdhury, M.D., Ph.D.
Director
Division of Pulmonary, Allergy, and Rheumatology
Products
Office of Drug Evaluation II
Center for Drug Evaluation and Research

ENCLOSURE(S):
Content of Labeling

Application Type/Number	Submission Type/Number	Submitter Name	Product Name
NDA-22007	SUPPL-4	DEY PHARMA LP	FORMOTEROL FUMARATE INHALATION SOLUTION

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

/s/

BADRUL A CHOWDHURY
06/02/2010