



ANDA 212451

**ANDA APPROVAL**

Ascend Laboratories, LLC  
U.S. Agent for Alkem Laboratories Limited  
339 Jefferson Road  
Parsippany, NJ 07054  
Attention: Hindy Schiff  
U.S. Agent

Dear Madam:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on March 29, 2019, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Morphine Sulfate Tablets, 15 mg and 30 mg.

Reference is also made to the complete response letter issued by this office on January 27, 2020, and to any amendments thereafter.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug meets the requirements for approval under the FD&C Act. Accordingly, the ANDA is **approved**, effective on the date of this letter. We have determined your Morphine Sulfate Tablets, 15 mg and 30 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Morphine Sulfate Tablets, 15 mg and 30 mg, of Hikma Pharmaceuticals USA Inc.

Reference is also made to FDA's Competitive Generic Therapies (CGT) Designation – Grant letter dated May 13, 2019.

We note that Alkem Laboratories Limited (Alkem) was granted a CGT designation for Morphine Sulfate Tablets, 15 mg and 30 mg. Alkem is the “first approved applicant” for such competitive generic therapy, as defined in section 505(j)(5)(B)(v)(III) of the FD&C Act. Therefore, with this approval, Alkem is eligible for 180 days of CGT exclusivity for Morphine Sulfate Tablets, 15 mg and 30 mg, under section 505(j)(5)(B)(v) of the FD&C Act. This exclusivity will begin to run from the date of the first commercial marketing of the CGT (including the commercial marketing of the listed drug) by Alkem, as specified in section 505(j)(5)(B)(v) of the FD&C Act. Furthermore, in accordance with section 505(j)(5)(B)(v)(I) of the FD&C Act, this 180-day CGT exclusivity will not block approval of other applications until Alkem has commenced commercial marketing. Please submit a correspondence to this ANDA informing the Agency of the date you begin commercial marketing. Please also submit notice of first commercial marketing via e-mail to the

Patent and Exclusivity Team at [CDER-OGDPET@fda.hhs.gov](mailto:CDER-OGDPET@fda.hhs.gov). This e-mail should be sent the same day you commence commercial marketing. Reference is also made to the Special Forfeiture Rule for Competitive Generic Therapy in section 505(j)(5)(D)(iv) of the FD&C Act. Please be aware that, pursuant to this forfeiture rule, you will forfeit your eligibility for the 180-day CGT exclusivity period for Morphine Sulfate Tablets, 15 mg and 30 mg, if you fail to market this CGT within 75 days after the date on which the approval of this application is made effective.

Under section 506A of the FD&C Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change may be made.

### **RISK EVALUATION AND MITIGATION STRATEGY (REMS) REQUIREMENTS**

Section 505-1 of the FD&C Act authorizes FDA to require the submission of a risk evaluation and mitigation strategy (REMS), if FDA determines that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks [section 505-1(a)]. In accordance with section 505-1(i) of the FD&C Act, a drug that is the subject of an ANDA under section 505(j) is subject to certain elements of the REMS required for the applicable listed drug.

The details of the REMS requirements were outlined in our REMS notification letter dated June 14, 2019.

Your final proposed REMS referenced in Drug Master File (DMF) (b) (4); is approved, and will be posted on the FDA REMS website: <http://www.fda.gov/remis>

The REMS consists of a Medication Guide and ETASU.

Your REMS must be fully operational before you introduce **morphine sulfate** into interstate commerce.

The Opioid Analgesic REMS currently includes the products listed on the FDA REMS website, available at <http://www.fda.gov/remis>. Other products may be added in the future if additional NDAs or ANDAs are approved.

Under section 505-1(g)(2)(C) of the FD&C Act, FDA can require the submission of a REMS assessment if FDA determines an assessment is needed to evaluate whether the REMS should be modified to ensure the benefits of the drug outweigh the risks or to minimize the burden on the healthcare delivery system of complying with the REMS.

We remind you that you must include an adequate rationale to support a proposed REMS modification for the addition, modification, or removal of any goal or element of the REMS, as described in section 505-1(g)(4) of the FD&C Act.

We also remind you that section 505-1(f)(8) of the FD&C Act prohibits holders of an approved covered application from using any element to assure safe use to block or

delay approval of an application under section 505(b)(2) or (j). A violation of this provision in 505-1(f) could result in enforcement action.

Prominently identify any submission containing a REMS assessment or proposed modifications of the REMS with the following wording in bold capital letters at the top of the first page of the submission as appropriate

**ANDA 212451 REMS ASSESSMENT  
CROSS REFERENCE TO THE REMS DMF**

**NEW SUPPLEMENT FOR ANDA 212451/S-000  
CHANGES BEING EFFECTED IN 30 DAYS  
PROPOSED MINOR REMS MODIFICATION  
CROSS REFERENCE TO THE REMS DMF**

*or*

**NEW SUPPLEMENT FOR ANDA 212451/S-000  
PRIOR APPROVAL SUPPLEMENT  
PROPOSED MAJOR REMS MODIFICATION  
CROSS REFERENCE TO THE REMS DMF**

*or*

**NEW SUPPLEMENT FOR ANDA 212451/S-000  
PRIOR APPROVAL SUPPLEMENT  
PROPOSED REMS MODIFICATIONS DUE TO SAFETY LABELING  
CHANGES SUBMITTED IN SUPPLEMENT XXX  
CROSS REFERENCE TO THE REMS DMF**

Should you choose to submit a REMS revision, prominently identify the submission containing the REMS revisions with the following wording in bold capital letters at the top of the first page of the submission:

**REMS REVISION FOR ANDA 212451  
CROSS REFERENCE TO THE REMS DMF**

The **Opioid Analgesic** REMS uses a Type V DMF for shared system REMS submissions. Please refer to the draft guidance for industry *Use of a Drug Master File for Shared System REMS Submissions*<sup>1</sup>, for instructions on how to submit and reference the shared system REMS DMF.

## **REPORTING REQUIREMENTS**

Postmarketing reporting requirements for this ANDA are set forth in 21 CFR 314.80-81 and 314.98 and at section 506l of the FD&C Act. The Agency should be advised of any

change in the marketing status of this drug or if this drug will not be available for sale after approval. In particular, under section 506I(b) of the FD&C Act, you are required to notify the Agency in writing within 180 days from the date of this letter if this drug will not be available for sale within 180 days from the date of approval. As part of such written notification, you must include (1) the identity of the drug by established name and proprietary name (if any); (2) the ANDA number; (3) the strength of the drug; (4) the date on which the drug will be available for sale, if known; and (5) the reason for not marketing the drug after approval.

### **PROMOTIONAL MATERIALS**

You may request advisory comments on proposed introductory advertising and promotional labeling materials prior to publication or dissemination. Please note that these submissions are voluntary. 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 (PI), Medication Guide, and patient PI (as applicable) to:

OPDP Regulatory Project Manager  
Food and Drug Administration  
Center for Drug Evaluation and Research  
Office of Prescription Drug Promotion  
5901-B Ammendale Road  
Beltsville, MD 20705

Alternatively, you may submit a request for advisory comments electronically in eCTD format. For more information about submitting promotional materials in eCTD format, see the draft Guidance for Industry (available at: <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM443702.pdf>).

You must also submit final promotional materials and package insert(s), accompanied by a Form FDA 2253, at the time of initial dissemination or publication [21 CFR 314.81(b)(3)(i)]. Form FDA 2253 is available at <http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM083570.pdf>. Information and Instructions for completing the form can be found at <http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM375154.pdf>. For more information about submission of promotional materials to the Office of Prescription Drug Promotion (OPDP), see <http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm090142.htm>.

### **ANNUAL FACILITY FEES**

The Generic Drug User Fee Amendments of 2012 (GDUFA) (Public Law 112-144, Title III) established certain provisions<sup>2</sup> with respect to self-identification of facilities and payment of annual facility fees. Your ANDA identifies at least one facility that is subject

to the self-identification requirement and payment of an annual facility fee. Self-identification must occur by June 1<sup>st</sup> of each year for the next fiscal year. Facility fees must be paid each year by the date specified in the *Federal Register* notice announcing facility fee amounts.

All finished dosage forms (FDFs) or active pharmaceutical ingredients (APIs) manufactured in a facility that has not met its obligations to self-identify or to pay fees when they are due will be deemed misbranded. This means that it will be a violation of federal law to ship these products in interstate commerce or to import them into the United States. Such violations can result in prosecution of those responsible, injunctions, or seizures of misbranded products. Products misbranded because of failure to self-identify or pay facility fees are subject to being denied entry into the United States.

### **CONTENT OF LABELING**

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(l)] in structured product labeling (SPL) format, as described at <http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm>, that is identical in content to the approved labeling (including the package insert, and any patient package insert and/or Medication Guide that may be required). 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 <https://www.fda.gov/media/71211/download>. The SPL will be accessible via publicly available labeling repositories.

Sincerely yours,

*{See appended electronic signature page}*

For Edward M. Sherwood  
Director  
Office of Regulatory Operations  
Office of Generic Drugs  
Center for Drug Evaluation and Research

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<sup>1</sup> We update guidances periodically. To make sure you have the most recent version of a guidance, check the FDA Drugs guidance web page at <https://www.fda.gov/RegulatoryInformation/Guidances/default.htm>

<sup>2</sup> Some of these provisions were amended by the Generic Drug User Fee Amendments of 2017 (GDUFA II) (Public Law 115-52, Title III).



John  
Ibrahim

Digitally signed by John Ibrahim  
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