

U.S. Food and Drug Administration

Final Administrative Order (OTC000013)

Over-the-Counter Monograph M006: Topical Acne Drug Products for Over-the-Counter Human Use (Posted November 23, 2021)

I. Summary

Over-the-Counter Monograph M006: Topical Acne Drug Products for Over-the-Counter Human Use, as set forth in this document, is a final administrative order (final order) deemed by section 505G(b)(8) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355h(b)(8)), and effective upon enactment of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, on March 27, 2020.

II. Background

The CARES Act added section 505G of the FD&C Act, which revised the framework for the regulation of over-the-counter (OTC) monograph drug products. Among other things, section 505G of the FD&C Act provides as a baseline status that, as of the date of enactment of the CARES Act, drugs that satisfy certain requirements described in section 505G(a)(1) or (2) are deemed to be generally recognized as safe and effective under section 201(p)(1) of the FD&C Act (21 U.S.C. 321(p)(1)), not a new drug under section 201(p), and not subject to section 503(b)(1) of the FD&C Act (21 U.S.C. 353(b)(1)). To obtain this status, among other things, a drug either must be one that is in conformity with the requirements for nonprescription use of a final monograph issued under part 330 (21 CFR part 330) (except as provided in section 505G(a)(2)),¹ as well as other requirements,² or must be one that is (i) classified in category I for safety and effectiveness under a tentative final monograph that is the most recently applicable proposal or determination issued under part 330, and (ii) in conformity with the proposed requirements for nonprescription use of such tentative final monograph and any applicable subsequent determination by the Secretary, as well as other requirements.³ Other applicable requirements in section 505G(a)(1) of the FD&C Act include conditions or requirements under section 505G(b) of the FD&C Act.

Complementary to the requirements for conformity to tentative final or final monographs described in section 505G(a)(1) and (2) of the FD&C Act, Congress provided that, under section 505G(b)(8) of the FD&C Act, a final monograph or tentative final monograph that establishes

¹ Section 505G(a)(2) of the FD&C Act is inapplicable here. It establishes the applicable requirements in terms of conformity with a final monograph, for purposes of section 505G(a)(1)(A)(i) of the FD&C Act, for sunscreen drugs subject to section 505G of the FD&C Act.

² Section 505G(a)(1)(A) of the FD&C Act.

³ Section 505G(a)(1)(B) of the FD&C Act.

conditions of use for a drug described in section 505G(a)(1) or (2) and that represents the most recently promulgated version of the conditions of use, including as modified, in whole or in part, by any proposed or final rule, is deemed to be a final order. The final order may be amended, revoked, or otherwise modified in accordance with the procedures under section 505G of the FD&C Act. Under section 505G(b)(8)(C) of the FD&C Act, the deemed establishment of a final order is construed to include technical amendments necessary to ensure that the order is appropriately harmonized, in terms of terminology or cross-references, with the applicable provisions of the FD&C Act (and regulations) and any other final orders issued under section 505G of the FD&C Act.

In the *Federal Register* of August 16, 1991 (56 FR 41008 at 41019), FDA issued a final OTC monograph under the procedure in part 330, establishing conditions under which OTC topical acne drug products are generally recognized as safe and effective (GRASE). This final OTC monograph was codified in 21 CFR part 333, subpart D and subsequently amended by a final rule issued on March 4, 2010 (75 FR 9767 at 9776).

Accordingly, this final order for OTC topical acne drug products incorporates the requirements of the final monograph for OTC topical acne products issued under part 330, as codified in part 333, subpart D as of March 27, 2020, with technical amendments.

III. Final Administrative Order

Over-the-Counter Monograph M006: Topical Acne Drug Products for Over-the-Counter Human Use

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SOURCE: 56 FR 41019, Aug. 16, 1991, unless otherwise noted.

Part A—General Provisions

§ M006.1 Scope

An over-the-counter (OTC) acne drug product in a form suitable for topical application is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this OTC monograph and each general condition established in 21 CFR 330.1.

§ M006.3 Definitions

As used in this OTC monograph:

- (a) Acne. A disease involving the oil glands and hair follicles of the skin which is manifested by blackheads, whiteheads, acne pimples, and acne blemishes.
- (b) Acne blemish. A flaw in the skin resulting from acne.
- (c) Acne drug product. A drug product used to reduce the number of acne blemishes, acne pimples, blackheads, and whiteheads.
- (d) Acne pimple. A small, prominent, inflamed elevation of the skin resulting from acne.
- (e) Blackhead. A condition of the skin that occurs in acne and is characterized by a black tip.
- (f) Whitehead. A condition of the skin that occurs in acne and is characterized by a small, firm, whitish elevation of the skin.

Part B—Active Ingredients

§ M006.10 Acne active ingredients

The active ingredient of the product consists of any of the following:

- (a) Benzoyl peroxide, 2.5 to 10 percent.
- (b) Resorcinol, 2 percent, when combined with sulfur in accordance with § M006.20(a).
- (c) Resorcinol monoacetate, 3 percent, when combined with sulfur in accordance with § M006.20(b).
- (d) Salicylic acid, 0.5 to 2 percent.
- (e) Sulfur, 3 to 10 percent.
- (f) Sulfur, 3 to 8 percent, when combined with resorcinol or resorcinol monoacetate in accordance with § M006.20.

[75 FR 9776, Mar. 4, 2010]

§ M006.20 Permitted combinations of active ingredients

(a) Resorcinol identified in § M006.10(b) may be combined with sulfur identified in § M006.10(f).

(b) Resorcinol monoacetate identified in § M006.10(c) may be combined with sulfur identified in § M006.10(f).

[75 FR 9776, Mar. 4, 2010]

Part C—Labeling

§ M006.50 Labeling of acne drug products

(a) Statement of identity. The labeling of the product contains the established name of the drug, if any, and identifies the product as an “acne medication,” “acne treatment,” “acne medication” (insert dosage form, e.g., “cream,” “gel,” “lotion,” or “ointment”), or “acne treatment” (insert dosage form, e.g., “cream,” “gel,” “lotion,” or “ointment”).

(b) Indications. The labeling of the product states, under the heading “Uses,” the phrase listed in § M006.50(b)(1) and may contain any of the additional phrases listed in § M006.50(b)(2). Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed in § M006.50(b), may also be used, as provided in 21 CFR 330.1(c)(2), subject to the provisions of section 502 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 352) relating to misbranding and the prohibition in section 301(d) of the FD&C Act (21 U.S.C. 331(d)) against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the FD&C Act (21 U.S.C. 355(a)).

(1) “For the” (select one of the following: “management” or “treatment”) “of acne.”

(2) In addition to the information identified in § M006.50(b)(1), the labeling of the product may contain any one or more of the following statements:

(i) (Select one of the following: “Clears,” “Clears up,” “Clears up most,” “Dries,” “Dries up,” “Dries and clears,” “Helps clear,” “Helps clear up,” “Reduces the number of,” or “Reduces the severity of”) (select one or more of the following: “acne blemishes,” “acne pimples,” “blackheads,” or “whiteheads”) which may be followed by “and allows skin to heal.”

(ii) “Penetrates pores to” (select one of the following: “eliminate most,” “control,” “clear most,” or “reduce the number of”) (select one or more of the following: “acne blemishes,” “acne pimples,” “blackheads,” or “whiteheads”).

(iii) “Helps keep skin clear of new” (select one or more of the following: “acne blemishes,” “acne pimples,” “blackheads,” or “whiteheads”).

(iv) “Helps prevent new” (select one or more of the following: “acne blemishes,” “acne pimples,” “blackheads,” or “whiteheads”) which may be followed by “from forming.”

(v) “Helps prevent the development of new” (select one or more of the following: “acne blemishes,” “acne pimples,” “blackheads,” or “whiteheads”).

(c) Warnings. The labeling of the product contains the following warnings under the heading “Warnings”:

(1) For products containing any ingredients identified in § M006.10.

(i) The labeling states “For external use only.”

(ii) The labeling states “When using this product [bullet] skin irritation and dryness is more likely to occur if you use another topical acne medication at the same time. If irritation occurs, only use one topical acne medication at a time.”

(2) For products containing sulfur identified in § M006.10(e) and (f).

(i) The labeling states “Do not use on [bullet] broken skin [bullet] large areas of the skin.”

(ii) The labeling states “When using this product [bullet] apply only to areas with acne.”

(3) For products containing any combination identified in § M006.20.

(i) The labeling states “When using this product [bullet] rinse right away with water if it gets in eyes.”

(ii) The labeling states “Stop use and ask a doctor [bullet] if skin irritation occurs or gets worse.”

(4) For products containing benzoyl peroxide identified in § M006.10(a).

(i) The labeling states “Do not use if you [bullet] have very sensitive skin [bullet] are sensitive to benzoyl peroxide.”

(ii) The labeling states “When using this product [bullet] avoid unnecessary sun exposure and use a sunscreen [bullet] avoid contact with the eyes, lips, and mouth [bullet] avoid contact with hair and dyed fabrics, which may be bleached by this product [bullet] skin irritation may occur, characterized by redness, burning, itching, peeling, or possibly swelling. Irritation may be reduced by using the product less frequently or in a lower concentration.”

(iii) The labeling states “Stop use and ask a doctor if [bullet] irritation becomes severe.”

(d) Directions. The labeling of the product contains the following information under the heading “Directions”:

(1) For products applied containing any ingredient identified in § M006.10. The labeling states “[bullet] clean the skin thoroughly before applying this product [bullet] cover the entire affected area with a thin layer one to three times daily [bullet] because excessive drying of the skin may occur, start with one application daily, then gradually increase to two or three times daily if needed or as directed by a doctor [bullet] if bothersome dryness or peeling occurs, reduce application to once a day or every other day.”

(2) For products applied and left on the skin containing benzoyl peroxide identified in § M006.10(a).

(i) The labeling states the directions in § M006.50(d)(1).

(ii) The labeling states “[bullet] if going outside, apply sunscreen after using this product. If irritation or sensitivity develops, stop use of both products and ask a doctor.”

(3) For products applied and removed from the skin containing any ingredient identified in § M006.10. Products, such as soaps and masks, may be applied and removed and should include appropriate directions. All products containing benzoyl peroxide should include the directions in § M006.50(d)(2)(ii).

(4) Optional directions. In addition to the required directions in § M006.50(d)(1) and (d)(2), the product may contain the following optional labeling: “*Sensitivity Test for a New User.* Apply product sparingly to one or two small affected areas during the first 3 days. If no discomfort occurs, follow the directions stated (select one of the following: ‘elsewhere on this label,’ ‘above,’ or ‘below’).”