U.S. Food and Drug Administration

Final Administrative Order (OTC000017)

Over-the-Counter Monograph M005: Topical Antifungal Drug Products for Over-the-Counter Human Use (Posted December 16, 2021)

I. Summary

Over-the-Counter Monograph M005: Topical Antifungal 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 September 23, 1993 (58 FR 49890 at 49898), FDA issued a final OTC monograph under the procedure in part 330, establishing conditions under which OTC topical antifungal drug products are generally recognized as safe and effective (GRASE). This final OTC monograph was codified in 21 CFR part 333, subpart C and subsequently amended by final rules issued on August 29, 2000 (65 FR 52302 at 52305) and February 8, 2002 (67 FR 5942 at 5943).

Accordingly, this final order for OTC topical antifungal drug products incorporates the requirements of the final monograph for OTC topical antifungal drug products issued under part 330, as codified in part 333, subpart C as of March 27, 2020, with technical amendments including consolidating a professional use provision into its own part.

III. Final Administrative Order

Over-the-Counter Monograph M005:
Topical Antifungal Drug Products for Over-the-Counter Human Use

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SOURCE: 58 FR 49898, Sept. 23, 1993, unless otherwise noted.

Part A—General Provisions

§ M005.1 Scope

An over-the-counter antifungal drug product in a form suitable for topical administration 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.

§ M005.3 Definitions

As used in this OTC monograph:

(a) Antifungal. A drug which inhibits the growth and reproduction of fungal cells and decreases the number of fungi present.

(b) Athlete's foot. An infection of the feet caused by certain dermatophytic fungi.

(c) Dermatophyte. A fungus that invades and lives upon the skin or in the hair or nails.

(d) Fungus. Any of a large division of plants, including dermatophytes, yeasts, and molds, characterized by a simple cell structure and the absence of chlorophyll.

(e) Jock itch. A chronic and recurrent infection caused by certain dermatophytic fungi; affects the upper, inner thighs and sometimes extends to the groin and the pubic area; the condition most frequently occurs in men, but may also occur in women.

(f) Ringworm. A skin infection caused by certain dermatophytic fungi.

Part B—Active Ingredients

§ M005.10 Antifungal active ingredients

The active ingredient of the product consists of any one of the following within the specified concentration established for each ingredient:

(a) Clioquinol 3 percent.

(b) Haloprogin 1 percent.

(c) Miconazole nitrate 2 percent.

(d) Povidone-iodine 10 percent.

(e) Tolnaftate 1 percent.

(f) Undecylenic acid, calcium undecylenate, copper undecylenate, and zinc undecylenate may be used individually or in any ratio that provides a total undecylenate concentration of 10 to 25 percent.

(g) Clotrimazole 1 percent.

[58 FR 49898, Sept. 23, 1993, as amended at 67 FR 5943, Feb. 8, 2002]

Part C—Labeling

§ M005.50 Labeling of antifungal 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 "antifungal."

(b) Indications. The labeling of the product states, under the heading "Uses," the phrase listed in § M005.50(b)(1)(i) and may contain the additional phrase listed in § M005.50(b)(1)(ii). Other truthful and nonmisleading statements, describing only the indications for use that have been established in § M005.50(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 products containing any ingredient identified in § M005.10 labeled for the treatment of athlete's foot, jock itch, and ringworm.

(i) (Select one of the following: "Treats," "For the treatment of," "For effective treatment of," "Cures," "For the cure of," "Clears up," or "Proven clinically effective in the treatment of") "most" (select one condition from any one or more of the following groups of conditions:

(A) "Athlete's foot," "athlete's foot (dermatophytosis)," "athlete's foot (tinea pedis)," or "tinea pedis (athlete's foot)";

(B) "Jock itch," "jock itch (tinea cruris)," or "tinea cruris (jock itch)"; or

(C) "Ringworm," "ringworm (tinea corporis)," or "tinea corporis (ringworm).")

(ii) In addition to the information identified in § M005.50(b)(1)(i), the labeling of the product may contain the following statement: (Select one of the following: "Relieves," "For relief of," "For effective relief of," or "Soothes,") (select one or more of the following: "Itching," "scaling," "cracking," "burning," "redness," "soreness," "irritation," "discomfort," "chafing associated with jock itch," "itchy, scaly skin between the toes," or "itching, burning feet").

(2) For products containing the ingredient identified in § M005.10(e) labeled for the prevention of athlete's foot.

(i) (Select one of the following: “Clinically proven to prevent,” “Prevents,” “Proven effective in the prevention of,” “Helps prevent,” “For the prevention of,” “For the prophylaxis (prevention) of,” “Guards against,” or “Prevents the recurrence of”) “most” (select one of the following: “Athlete's foot,” “athlete's foot (dermatophytosis),” “athlete's foot (tinea pedis),” or “tinea pedis (athlete's foot)”) “with daily use.”

(ii) In addition to the information identified in § M005.50(b)(2)(i), the labeling of the product may contain the following statement: “Clears up most athlete's foot infection and with daily use helps keep it from coming back.”

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

(1) For products containing any ingredient identified in § M005.10.

(i) “Do not use on children under 2 years of age unless directed by a doctor.”

(ii) “For external use only.”

(iii) “Avoid contact with the eyes.”

(2) For products labeled according to § M005.50(b)(1) for the treatment of athlete's foot and ringworm. “If irritation occurs or if there is no improvement within 4 weeks, discontinue use and consult a doctor.”

(3) For products labeled according to § M005.50(b)(1) for the treatment of jock itch. “If irritation occurs or if there is no improvement within 2 weeks, discontinue use and consult a doctor.”

(4) For products labeled according to § M005.50(b)(2) for the prevention of athlete's foot. “If irritation occurs, discontinue use and consult a doctor.”

(5) For products containing the ingredient identified in § M005.10(a) labeled according to § M005.50(b)(1). The following statements must appear in boldface type as the first warnings under the “Warnings” heading.

(i) “Do not use on children under 2 years of age.” (This warning is to be used in place of the warning in § M005.50(c)(1)(i)).

(ii) “Do not use for diaper rash.”

(d) Directions. The labeling of the product contains the following statements under the heading "Directions":

(1) For products labeled according to § M005.50(b)(1) for the treatment of athlete's foot, jock itch, and ringworm. [Select one of the following: "Clean" or "Wash"] "the affected area and dry thoroughly. Apply" (the word "spray" may be used to replace the word "apply" for aerosol products) "a thin layer of the product over affected area twice daily (morning and night) or as directed by a doctor. Supervise children in the use of this product. For athlete's foot: Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily. For athlete's foot and ringworm, use daily for 4 weeks; for jock itch, use daily for 2 weeks. If condition persists longer, consult a doctor. This product is not effective on the scalp or nails."

(2) For products labeled according to § M005.50(b)(2) for the prevention of athlete's foot. "To prevent athlete's foot," (select one of the following: "clean" or "wash") "the feet and dry thoroughly. Apply" (the word "spray" may be used to replace the word "apply" for aerosol products) "a thin layer of the product to the feet once or twice daily (morning and/or night). Supervise children in the use of this product. Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily."

(e) The word "physician" may be substituted for the word "doctor" in any of the labeling statements in § M005.50.

[58 FR 49898, Sept. 23, 1993, as amended at 65 FR 52305, Aug. 29, 2000]

Part D—Professional Use

§ M005.80 Professional labeling

The labeling provided to health professionals (but not to the general public) may contain the following additional indication:

For products containing haloprogin or miconazole nitrate identified in §§ M005.10(b) and (c). "For the treatment of superficial skin infections caused by yeast (*Candida albicans*)."