April 18, 2022

VIA ELECTRONIC SUBMISSION

Division of Dockets Management
Department of Health and Human Services
Food and Drug Administration
5630 Fishers Lane, Rm. 1061 (HFA-305)
Rockville, MD 20852

CITIZEN PETITION

The undersigned submits this petition in accordance with regulations at 21 C.F.R. §10.25(a), §10.30(b), and §314.161, requesting the Commissioner of Food and Drugs to provide a determination on whether a listed drug was voluntarily withdrawn for safety or effectiveness reasons as outlined below.

A. ACTION REQUESTED

The Petitioner requests that the Commissioner of the Food and Drug Administration determine whether the Reference Listed Drug (RLD) ZYBAN® (bupropion hydrochloride) sustained-release tablets, 150 mg strength under New Drug Application (NDA) 020711 held by GLAXOSMITHKLINE was voluntarily withdrawn from commercial distribution or withdrawn from sale for safety or efficacy reasons.

B. STATEMENT OF GROUNDS

The Food and Drug Administration (FDA) maintains a list of drug products in the *Approved Drug Products with Therapeutic Equivalence Evaluations* ("the Orange Book"). The Orange Book includes information regarding a Drug's designation as either a Reference Listed Drug (RLD) or Reference Standard (RS). Drugs designated as RLD may be referenced as the basis of submission for Abbreviated New Drug Applications (ANDAs) under Section 505(j) of the FD&C Act. ZYBAN® (bupropion hydrochloride) sustained-release tablets, 150 mg, NDA 020711, was approved on May 14, 1997 and is listed as an RLD against which generic equivalents can be developed and approved in an ANDA. The Petitioner would like to note that ZYBAN® (bupropion hydrochloride) sustained-release tablets, 150 mg product strength was listed in the Active Section of Orange Book until July 2019. The Orange Book currently (supplement of July-2019) identifies ZYBAN® (bupropion hydrochloride) sustained-release tablets, 150 mg product strengths in the "Discontinued Drug Product List" section of the Orange Book. There are five generic applications listed in the Orange Book as follows:

- Bupropion Hydrochloride Extended-Release Tablets, 150 mg under A079094, held by ACTAVIS LABORATORIES FL INC, was approved on Mar 24, 2009;
- Bupropion Hydrochloride Extended-Release Tablets, 150 mg under A091520, held by ANCHEN PHARMACEUTICALS INC, was approved on Jun 9, 2011;
- Bupropion Hydrochloride Extended-Release Tablets, 150 mg under A075914, held by IMPAX LABORATORIES INC, was approved on May 27, 2004;
- Bupropion Hydrochloride Extended-Release Tablets, 150 mg under A077475, held by SANDOZ INC, was approved on Mar 12, 2008;
- Bupropion Hydrochloride Extended-Release Tablets, 150 mg under A206122, held by SCIEGEN PHARMACEUTICALS INC, was approved on Aug 17, 2016;

Further, the FDA has designated A079094 Bupropion Hydrochloride Extended-Release Tablets, 150 mg, held by ACTAVIS LABORATORIES FL INC as the RS.

If an RLD appears in the Discontinued Section of the Orange Book and the FDA has not determined whether the drug was withdrawn from sale for reasons of safety or effectiveness, the applicant must submit a citizen petition under 21 C.F.R. § 10.25(a) and 10.30 before or at the same time as the ANDA submission, seeking a determination on whether the listed drug has been withdrawn from sale for safety or effectiveness reasons. Such a petition must contain all evidence available to the petitioner concerning the reason that the drug product was withdrawn from sale under 21 CFR § 314.122(a).

The regulations provide that the Agency must make a determination as to whether a listed drug is withdrawn from sale for reasons of safety or efficacy before an ANDA that refers to that listed drug may be approved (21 C.F.R. § 314.161 (a)(1)).

If the FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness, then the drug listing is removed from the Orange Book. See 21 C.F.R. §§ 314.122, 314.161, and 314.162. If FDA determines that the listed drug was not withdrawn from sale for reasons of safety and efficacy, then the drug listing remains in the Orange Book and may be cited in an ANDA as an RLD.

The electronic version of the Orange Book currently identifies the marketing status of the 150 mg strength of ZYBAN® (bupropion hydrochloride) sustained-release tablets, as discontinued, (see attachments 1 and 2) which is also reflected in the July 2019 Cumulative Supplement of the Orange Book. The Petitioner is not aware of any information indicating that the withdrawal was made for safety or effectiveness reasons and believes the discontinuation of ZYBAN® (bupropion hydrochloride) sustained-release tablets, 150 mg strength under NDA 020711 was only due to commercial considerations.

Accordingly, the Petitioner respectfully requests the FDA to confirm that the ZYBAN® (bupropion hydrochloride) sustained-release tablets, 150 mg strength under NDA 020711 was not withdrawn from sale for safety or efficacy reasons.

C. ENVIRONMENTAL IMPACT

In Accordance with the requirements set forth in 21 CFR §25.31(a) and 21 CFR §25.40, the petitioner hereby requests a Categorical Exclusion from the requirements to prepare an Environmental Impact Assessment.

D. ECONOMIC IMPACT

In accordance with 21 C.F.R. §10.30(b), economic impact information is to be submitted only when requested by the Commissioner following review of the petition. Petitioner hereby commits to promptly provide this information, if so requested.

E. CERTIFICATION

The undersigned certifies to the best knowledge and belief of the undersigned, this Petition includes all information and views on which the Petition relies, and that it includes representative data and information known to the Petitioner which are unfavorable to the petition.

Sincerely,

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