From: OC GCP Questions
To: [redacted]
Subject: RE: IRB approval of Dear Dr letters
Date: Friday, June 06, 2014 4:46:00 PM

Dear [Redacted]-

Thank you for your question. Your question is asking about a "Dear Dr recruitment letter". In answering your question I assumed that you are referring to the more common "Dear Doctor" letter (i.e., communication intended to be seen or heard by health professionals) and that you are not referring to a letter that the sponsor sends to a potential health professional to recruit that health professional to participate in a study as a study investigator/site.

In addition to the ICH GCP E6 guidance you mentioned (which is recognized as official FDA guidance), FDA also has Information Sheet Guidance for IRBs, Clinical Investigators, and Sponsors that can be found at http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/GuidancesInformationSheetsandNotices/ucm113709.htm. The information sheet specific to recruiting study subjects found at http://www.fda.gov/RegulatoryInformation/Guidances/ucm126428.htm may be helpful to you in answering this question.

As stated in the Recruiting Study Subjects Information Sheet guidance:

> FDA requires that an Institutional Review Board (IRB) review and have authority to approve, require modifications in, or disapprove all research activities covered by the IRB regulations [21 CFR 56.109(a)]. An IRB is required to ensure that appropriate safeguards exist to protect the rights and welfare of research subjects [21 CFR 56.107(a) and 56.111]. In fulfilling these responsibilities, an IRB is expected to review all the research documents and activities that bear directly on the rights and welfare of the subjects of proposed research. The protocol, the consent document and, for studies conducted under the Investigational New Drug (IND) regulations, the investigator's brochure are examples of documents that the IRB should review. The IRB should also review the methods and material that investigators propose to use to recruit subjects.

Section A of this guidance discusses media advertising and goes on to say:

> Direct advertising for research subjects, i.e., advertising that is intended to be seen or heard by prospective subjects to solicit their participation in a study, is not in and of itself, an objectionable practice. Direct advertising includes, but is not necessarily limited to: newspaper, radio, TV, bulletin boards, posters, and flyers that are intended for prospective subjects. **Not included** are: (1) communications intended to be seen or heard by health professionals, such as "dear doctor" letters and doctor-to-doctor letters (even when soliciting for study subjects), (2) news stories and (3) publicity intended for other audiences, such as financial page advertisements directed toward prospective investors.

The guidance says that even when soliciting for study subjects, communications intended to be seen or heard by health professionals, such as "dear doctor" letters and doctor-to-doctor letters are not considered to be direct advertising.

That being said, institutions and IRBs may have their own institutional policies and procedures about the type of information they require to be submitted for their review. I recommend you talk to your IRB(s) to find out if they have any specific requirement to review "Dear Doctor" letters.

I hope this information is useful. If you need further information and/or have additional questions, please feel free to contact us at the official GCP mailbox, gcp.questions@fda.hhs.gov. You may also find it useful to access the set of redacted GCP e-mails found at http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/RepliestoInquiriestoFDAonGoodClinicalPractice/default.htm since we find that many questions and concerns are repeated over time.

Best Regards,

Janet

Janet Donnelly, RAC, CIP
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Office of Special Medical Programs, Food and Drug Administration

From: [Redacted]
Sent: Thursday, June 05, 2014 3:47 PM
To: OC GCP Questions
Subject: IRB approval of Dear Dr letters

Hi,

I would like your advice on whether or not a Dear Dr recruitment letter would fall under 21 CFR 56.109 and require IRB approval. We have seen many sites submit these letters to their IRBs. While reviewing 21CFR 56 it is unclear whether this is required.

ICH GCP 3.1.2 states "The IRB/IEC should obtain the following documents:
Trial protocol(s)/amendment(s), written informed consent form(s) and consent
form updates that the investigator proposes for use in the trial, subject recruitment procedures (e.g., advertisements), written information to be provided to subjects, Investigator's Brochure (IB), available safety information, information about payments and compensation available to subjects, the investigator's current curriculum vitae and/or other documentation evidencing qualifications, and any other documents that the IRB/IEC may require to fulfil its responsibilities."

I can imagine a scenario where a Primary care provider may initiate a conversation with a potential subject relaying some initial study details as a result of receiving a "Dear Dr" letter from a sponsor. Since this initial information could be construed as the start of the information relayed to the potential subject should these letters require IRB approval?

Thanks for your advice!

[Redacted]