FDA CIRCULAR
No. _____

TO : **ALL MANUFACTURERS/ TRADERS/ IMPORTERS OF VAPOR PRODUCTS**

SUBJECT : **PROCEDURE FOR THE ISSUANCE OF PRE-APPLICATION DOCUMENTARY EVALUATION (PADE) VAPOR PRODUCTS SEEKING REGISTRATION UNDER FERN 1 WITH THE CENTER FOR COSMETICS REGULATION AND RESEARCH**

I. BACKGROUND

Pursuant to Republic Act No. 11467, Republic Act 9711, and Executive Order No. 106, the Food and Drug Administration (FDA) is mandated to regulate vapor products and Heated Tobacco Products (HTPs) consistent with evolving medical, public health, and scientific evidence. As such, the FDA has established a regulatory framework which includes the issuance of marketing authorizations for vapor products prior to sale in the Philippines. Product authorizations are a crucial step in ensuring traceability, accountability of the product owner, and the mitigation of potential health risks of the products sold in the market.

II. OBJECTIVE

This Circular is being issued to provide the supplemental procedures and guidelines for the issuance of a Pre-application Documentary Evaluation (PADE) certificate as part of the requirements for vapor product refills and cartridges under FDA Electronic Registration Number Category (FERN 1) authorization.

III. SCOPE AND COVERAGE

This Circular shall apply to all manufacturers, traders, and importers seeking to apply for a FERN 1 certification of their vapor product refills and cartridges.

IV. GENERAL GUIDELINES

1. Manufacturers, traders, and importers of vapor products shall submit an application for PADE certification with the FDA prior to applying for FERN 1.

2. Submissions for PADE documents shall be done at least one hundred twenty (120) calendar days prior to the application for FERN 1 through the FDA E-portal system for vapor products.

3. The FDA reserves the right to disapprove applications that are incomplete or are with deliberately redacted data.

4. The Center for Cosmetics Regulation and Research (CCRR) may request for specific research and journal articles from the applicants in aid of a more rigorous evaluation.

5. The final disposition on the evaluations shall lie solely with the Director General of the FDA upon the recommendation of the Director IV of the CCRR.

6. Under no circumstances shall evaluations with favorable dispositions be deemed as an imprimatur of FDA approval nor shall it mean the approval of a product claim. Any industry promotion, advertisement, or communication, explicit or implicit, contrary to this provision shall be grounds for immediate disapproval of active vapor product FERN 1 applications.

V. SPECIFIC GUIDELINES

1. The Pre-Application Documentary Evaluation shall contain the following parts:

1.1. Administrative Data of MAH

1.1.1. Marketing Authorization Holder (MAH)

1.1.1.1. Name of MAH as reflected in the License to Operate (LTO)

1.1.1.2. Declared address of MAH

1.1.1.3. LTO number of MAH

1.1.2. Name and address of the manufacturer (if MAH is not the manufacturer)

1.1.2.1. LTO number (for local manufacturers)

1.1.3. Name and address of the supplier (for imported products)

1.1.4. Authorization for the FDA to use, copy, store, and distribute digital and physical copies of all documents submitted to FDA for the purposes of (1) review and evaluation of the application; (2) enforcement; and (3) conduct of research for the development of regulatory standards and public health policies. All information and documents submitted to the FDA shall be deemed as Confidential Information and shall be protected in accordance with the Data Privacy Act with respect to personal data, the Department of Health's Freedom of Information Manual, and also in accordance with other applicable laws, rules and regulations, and existing jurisprudence protecting Confidential information.

Confidential Information for purposes of this Circular shall include personal data, trade secrets, intellectual property, business,

commercial, financial, or proprietary information, or any other information or date that by its nature should be kept confidential.

1.1.5. An attestation from the manufacturer, trader, or importer that the information contained in the bundle is complete, accurate, and unredacted, under the penalties of all relevant legislation.

1.2. Data on Raw Materials

1.2.1. Administrative Data and Information

1.2.1.1. Name and address of the manufacturer

1.2.1.2. Name and address of the supplier

1.2.2. Chemistry, Manufacturing and Controls

1.2.2.1. General properties

1.2.2.2. Schematic flow diagram and sequential procedural narrative of the manufacturing process

1.2.2.3. Materials used in the manufacture of the components

1.2.2.4. Technical specifications

1.2.2.5. Analytical Procedures

1.3. Data on Finished Product

1.3.1. Chemistry, Manufacturing and Control

1.3.1.1. Technical specifications of the product

1.3.1.1.1. Appearance (color, odor, physical state)

1.3.1.1.2. Flammability

1.3.1.1.3. pH

1.3.1.1.4. Viscosity

1.3.1.1.5. Known incompatibilities with other product

1.3.1.2. Qualitative and quantitative composition of the product

1.3.1.3. Compatibility of the ingredients

1.3.1.4. Schematic flow diagram and sequential procedural narrative of the manufacturing process

1.3.1.5. Complete list of equipment used during the manufacturing process

1.3.1.6. Process validation

1.3.1.7. Analytical procedures

1.3.1.8. Validation of analytical procedures

1.3.1.9. Batch analyses

1.3.1.10. Characterization of impurities

1.3.1.11. Packaging Materials Specifications

1.3.1.12. Stability/Shelf life

1.3.1.13. Certificate of Analysis containing the manufacturing date, batch number, name and signature of the laboratory analyst and manager.

1.4. Toxicological Risk Assessment

1.4.1. Safety Data Sheet (SDS) of the Finished Product

1.4.1.1. In accordance with the Guidelines under the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS) Annex 4 – Guidance on the Preparation of Safety Data Sheets (SDS) for refills and cartridges

1.4.2. Toxicity profile

1.4.2.1. Acute Toxicity Tests

1.4.2.1.1. Acute Oral Toxicity

1.4.2.1.2. Acute Dermal Toxicity

1.4.2.1.3. Acute Inhalation Toxicity

1.4.2.2. Allergy/Sensitization Test

1.4.2.3. Sub-chronic Toxicity Tests

1.4.2.4. Reproduction Effects Studies

1.4.2.5. Teratogenicity Studies

1.4.2.6. Neurotoxicity Studies

1.4.2.7. Mutagenicity Studies

1.4.2.8. Carcinogenicity Tests and Chronic Toxicity in Rats

1.4.2.8.1. In Vitro Studies

1.4.2.8.1.1. Neutral Red Uptake (NRU) Assays

1.4.2.8.1.2. Bacterial Reverse Mutation (Ames) Test

1.4.2.8.1.3. Mouse Lymphoma Assay (MLA)

1.4.2.9. Systems Toxicology Studies

1.4.2.9.1. Acute and Repeated Exposure Studies with Human Organotypic Tissues

1.4.2.9.2. ApoE-/- Mouse Switching Study

1.4.2.10. Summary of Toxicological Findings

1.5. Emission Testing

Emission testing guidelines/requirements for vapor products shall be implemented three (3) years after the issuance of regulatory guidelines.

1.6. Laboratory Competency

1.6.1. A complete list of relevant certifications held by the laboratory conducting the in vitro, in vivo, and systems toxicology studies.

1.6.2. An attestation from the said laboratory of the exact make, model, and brand of the smoking robot used in the conduct of the in vitro studies.

1.6.3. A complete declaration of interest of all researchers conducting the clinical and behavioral pharmacology evaluation and their relevant qualifications and affiliations.

VI. APPROVAL

Approval of the PADE shall mean that the MAH may apply for FERN under the licensing and registration schemes defined in relevant policy instruments of the FDA.

VII. FEES

Per submission shall have a fee of Php 50,000.00 plus a legal research fee of 1%.

VIII. PENALTIES

Violation to any provisions of this Circular shall be subject to the penalties/sanctions provided under Book III, Article XI of the Rules and Regulations Implementing Republic Act No. 9711, Republic Act No. 11467, Executive Order No. 106 and other penalties provided by other applicable laws.

IX. SEPARABILITY CLAUSE

If any provision in this Circular, or application of such provision to any circumstances, is held invalid, the remainder of the provisions in this Circular shall not be affected.

X. EFFECTIVITY

This Circular shall take effect immediately.