
Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs Guidance for Industry

DRAFT GUIDANCE

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**U.S. Department of Health and Human Services
Food and Drug Administration
Center for Drug Evaluation and Research (CDER)
Center for Biologics Evaluation and Research (CBER)**

**April 2015
Electronic Submissions**

Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs Guidance for Industry

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**U.S. Department of Health and Human Services
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Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs Guidance for Industry¹

I. INTRODUCTION

This draft guidance pertains to submissions of promotional materials for human prescription drugs (drugs)² to the Food and Drug Administration (FDA or the Agency) made by manufacturers, packers, and distributors (firms), whether the applicant or an entity acting on behalf of the applicant. Specifically, this draft guidance pertains to submissions made to the Office of Prescription Drug Promotion (OPDP) in the Center for Drug Evaluation and Research (CDER) and the Advertising and Promotional Labeling Branch (APLB) in the Center for Biologics Evaluation and Research (CBER), and explains certain aspects of electronic submission of promotional materials in module 1 of the electronic Common Technical Document (eCTD) using version 3.3 or higher of the *us-regional-backbone* file.

For the purpose of this draft guidance, the terms *promotional materials* and *promotional pieces* collectively refer to advertising (ads) and promotional labeling materials, regardless of the format, manner, or medium by which they are presented. Promotional materials may include, but are not limited to, television ads, brochures, booklets, detailing pieces, Internet websites, print ads, exhibits, sound recordings, and radio ads.

II. BACKGROUND

A. Electronic Submissions to FDA Under Section 745A(a) of the Federal Food, Drug, and Cosmetic Act

Section 745A(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), added by section 1136 of the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112-

¹ This guidance has been prepared by the Office of Prescription Drug Promotion (OPDP) in the Center for Drug Evaluation and Research (CDER) in cooperation with the Advertising and Promotional Labeling Branch (APLB) in the Center for Biologics Evaluation and Research (CBER) at the Food and Drug Administration.

² The recommendations in this draft guidance apply to biological products that are approved for marketing under section 351 of the Public Health Service Act (PHS Act) and that also meet the definition of “drug” under section 201(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act). For such products, the provisions of the FD&C Act applicable to drugs also apply, as well as the regulations implementing these provisions, except that a biological product licensed under section 351 of the PHS Act is not required to have an approved new drug application under section 505 of the FD&C Act (21 U.S.C. 355). See PHS Act section 351(j) (42 U.S.C. 262(j)). Therefore, references to “drugs” in this guidance also include human biological products that fall within the definition. However, this draft guidance does not apply to those devices that CBER regulates as biological products under section 351 of the PHS Act. These submissions are subject to the requirements under section 745A(b) of the FD&C Act. See the final guidance entitled *eCopy Program for Medical Devices Submissions* that implements the electronic copy provisions of section 745A(b) for medical device submissions to FDA. We update guidances periodically. To make sure you have the most recent version of a guidance, check the FDA webpage at <http://www.fda.gov/RegulatoryInformation/Guidances/default.htm>.

31 144), requires that submissions under section 505(b), (i), or (j) of the FD&C Act, and
32 submissions under section 351(a) or (k) of the Public Health Service Act (PHS Act), be
33 submitted in electronic format specified by FDA, beginning no earlier than 24 months after FDA
34 issues a final guidance specifying such electronic submission format. Certain types of
35 promotional material-related submissions discussed in this guidance are “submissions under
36 subsection (b), (i), or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the
37 Public Health Service Act,” and are, therefore, subject to the requirements of section 745A(a).
38 Specifically, (1) postmarketing submissions of promotional materials using Form FDA 2253
39 (required by 21 CFR 314.81(b)(3)(i) and 21 CFR 601.12(f)(4)), and (2) submissions of
40 promotional materials for accelerated approval products (required by FD&C Act section
41 506(c)(2)(B), 21 CFR 314.550 and 21 CFR 601.45) and other products where such submissions
42 are required for approval³, fall within section 745A(a).

43
44 The draft guidance entitled *Providing Regulatory Submissions in Electronic Format—*
45 *Submissions under Section 745A(a) of the Federal Food, Drug, and Cosmetic Act (745A(a)*
46 *Implementation Draft Guidance)*,⁴ published in February 2014, sets forth general information on
47 how FDA interprets and intends to implement the electronic submission requirements of section
48 745A(a) of the FD&C Act. The 745A(a) Implementation Draft Guidance states that it is not
49 feasible to describe and implement the electronic format(s) that would apply to all the
50 submissions covered by section 745A(a) in one guidance document. Instead, FDA will
51 periodically issue guidances specifying the electronic format for certain types of submissions.
52 The revised draft guidance entitled *Providing Regulatory Submissions in Electronic Format—*
53 *Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD*
54 *Specifications (eCTD Revised Draft Guidance)* specifies the general format for certain types of
55 electronic submissions using eCTD, including the specifications for module 1.⁵

56
57 In addition to the more general information and implementation timeline found in those
58 guidances, this draft guidance provides additional information regarding the format to be used
59 for electronic submission of promotional labeling and advertising materials using eCTD.
60 Accordingly, 24 months after the issuance of this guidance in final form, firms will be required
61 to submit all promotional submissions that fall within the ambit of section 745A(a) electronically
62 as specified in the final guidance. As of that date, paper hard copies will no longer be accepted

³ In the Federal Register of May 31, 2002 (67 FR 37988), FDA published final regulations (21 CFR 314.640 (Subpart I) and 21 CFR 601.94 (Subpart H)) under which the Agency would allow appropriate studies in animals, in certain cases, to provide substantial evidence of the effectiveness of new drug and biological products used to reduce or prevent the toxicity of chemical, biological, radiological, or nuclear substances. This rule applies when adequate and well-controlled clinical studies in humans cannot be ethically conducted and field efficacy studies are not feasible. Sponsors with products approved under these provisions are subject to similar presubmission requirements as accelerated approval products and can use the same procedures outlined in this draft guidance for submitting promotional materials to FDA.

⁴ When final, this guidance will represent the FDA’s current thinking on this topic.

⁵ When final, this guidance will represent the FDA’s current thinking on this topic. The current version of the associated technical specification entitled *The eCTD Backbone Files Specification for Module 1* provides additional information. See <http://www.fda.gov/downloads/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/UCM163552.pdf>.

63 for such submissions. Note that while only the promotional submissions that fall within the
64 purview of section 745A(a) will be *required* to be submitted electronically in the format
65 specified in this guidance, firms *may* voluntarily choose to submit electronically other types of
66 promotional material submissions discussed in this guidance. If firms voluntarily opt to submit
67 other types of promotional-related materials electronically, the Agency is currently able to
68 process, review, and archive electronic formats in eCTD and firms are strongly encouraged to
69 make such submissions electronically.

70
71 In section 745A(a) of the FD&C Act, Congress granted explicit statutory authorization to FDA
72 to specify in guidance the format for the electronic submissions required under that section.
73 Accordingly, to the extent that this document provides such requirements under section 745A(a),
74 indicated by the use of the words *must* or *required*, this document is not subject to the usual
75 restrictions in FDA’s good guidance practice (GGP) regulations, such as the requirement that
76 guidances not establish legally enforceable responsibilities. See 21 CFR 10.115(d).

77
78 FDA guidances ordinarily contain standard language explaining that guidances should be viewed
79 only as recommendations unless specific regulatory or statutory requirements are cited. FDA is
80 not including this standard language in this guidance because it is not an accurate description of
81 all of the effects of this guidance. This guidance contains both binding and nonbinding
82 provisions. Insofar as this guidance specifies the format for electronic submissions pursuant to
83 section 745A(a) of the FD&C Act, it will have binding effect.

84
85 At the same time, this document also discusses types of promotional materials that are *not*
86 subject to the mandatory electronic submission requirement in section 745A, because they are
87 not submissions under section 505(b), (i), or (j) of the FD&C Act or section 351(a) or (k) of the
88 PHS Act (i.e., all promotional materials discussed in this document other than postmarketing
89 submissions of promotional materials using Form FDA 2253 and submissions of promotional
90 materials for accelerated approval products). To the extent that this document includes
91 provisions that do not pertain to the requirements under section 745A(a), this document does not
92 create or confer any rights for or on any person and does not operate to bind FDA or the public,
93 but does represent the Agency’s current thinking on this topic. The use of the word *should* in
94 such parts of this guidance means that something is suggested or recommended, but not required.
95 You can use an alternative approach if the approach satisfies the requirements of the applicable
96 statutes and regulations. If you want to discuss an alternative approach, contact the FDA staff
97 responsible for implementing this guidance. If you cannot identify the appropriate FDA staff,
98 call the appropriate number listed on the title page of this guidance.

99
100 **B. Promotional Labeling and Advertising**

101
102 Section 201(m) of the FD&C Act defines *labeling* as “all labels and other written, printed, or
103 graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying
104 such article” (21 U.S.C. 321(m)).⁶ The U.S. Supreme Court has explained that the language
105 “accompanying such article” in the “labeling” definition is interpreted broadly, to include
106 materials that supplement or explain an article. No physical attachment between the materials

⁶ See also 21 CFR 1.3(a).

107 and the article is necessary; rather, it is the textual relationship between the items that is
108 significant (*Kordel v. United States*, 335 U.S. 345, 350 (1948)).

109
110 FDA generally recognizes two types of labeling for drugs: (1) FDA-required labeling and (2)
111 promotional labeling. FDA-required labeling is labeling that is necessary to fulfill the minimum
112 requirements of the FD&C Act and its implementing regulations. For prescription drugs, the
113 required labeling is the labeling, drafted by the manufacturer, that is reviewed and approved by
114 FDA as part of a new drug application (NDA), abbreviated new drug application (ANDA), or
115 biologics license application (BLA) (21 CFR 314.50(c)(2), 314.94(a)(8), and 601.2(a)).
116 Promotional labeling is generally any labeling, other than the FDA-required labeling, that is
117 devised for promotion of the product. Examples of materials that may be considered
118 promotional labeling pieces for prescription drugs are described in 21 CFR 202.1(l)(2).

119
120 The FD&C Act does not define what constitutes an “advertisement,” but FDA regulations
121 provide several examples, including, but not limited to, materials “in published journals,
122 magazines, other periodicals, and newspapers; and advertisements broadcast through media such
123 as radio, television and telephone communication systems” (21 CFR 202.1(l)(1)).

124 125 **III. GENERAL CONSIDERATIONS**

126
127 All submissions of promotional materials should meet a set of criteria in order to be reviewed by
128 the Agency. Firms should ensure that the following considerations are met when submitting
129 promotional materials, regardless of the format in which the materials are submitted:

- 130
- 131 • Include the appropriate NDA, ANDA, or BLA number.
 - 132
 - 133 • Use the most specific material type (from Form FDA 2253) to describe the promotional
134 material that is the subject of the submission (e.g., do not use the code “promotional
135 labeling” when another code is available that gives a more specific description of the
136 promotional material).
 - 137
 - 138 • Submit different types of promotional material submissions separately (e.g., do not submit
139 materials on Form FDA 2253 pursuant to the requirement in 21 CFR 314.81(b)(3)(i))
140 together with a request for advisory comments on launch materials).
 - 141
 - 142 • Submit ads and promotional labeling separately from other types of submissions (i.e.,
143 submissions not related to promotional materials).
 - 144
 - 145 • Submit promotional materials directed to healthcare professionals separately from
146 submissions of promotional materials directed to consumers.

147
148 Occasionally, promotional materials may be directed both to consumers and healthcare
149 professionals. In those circumstances, firms should identify the audience type based on the end-
150 user for the bulk of the information. For example, press releases should be submitted as
151 consumer-directed materials unless they are specifically intended for healthcare professionals.
152 Websites with distinct sections for healthcare professionals and consumers should be divided

153 into two separate submissions. If the website does not have distinct sections for each audience
154 and it is not intended to be directed solely to healthcare professionals, firms should submit the
155 entire website as a consumer submission.

156
157 In cases where a company that holds the application collaborates with another firm in order to
158 promote the drug (e.g., a collaborative marketing agreement where another firm that is not the
159 application holder disseminates and submits promotional materials based on a contractual
160 agreement with the application holder), the application holder should send a general
161 correspondence submission to OPDP or APLB describing the agreement. In addition, the
162 business relationship should be indicated in subsequent submissions of promotional materials.

163 164 **IV. CONTENT FOR SPECIFIC TYPES OF SUBMISSIONS⁷**

165
166 This section describes the content of various types of submissions to the Agency relating to
167 promotional materials. The advertising and promotional labeling submissions described in this
168 section represent the types of submissions that FDA currently receives.

169 170 **A. Promotional Materials Submitted in Fulfillment of the Postmarketing Reporting** 171 **Requirements (Form FDA 2253 Submissions)**

172
173 Under the FD&C Act and FDA's regulations implementing postmarketing reporting
174 requirements, applicants must submit specimens of mailing pieces and any other labeling or
175 advertising devised for promotion of the drug product at the time of initial dissemination of the
176 labeling and at the time of initial publication of the advertisement for a prescription drug product.
177 Each submission is required to be accompanied by a completed transmittal Form FDA 2253
178 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use), and is
179 required to include a copy of the product's current professional labeling (21 CFR 314.81(b)(3)(i)
180 and 21 CFR 601.12(f)(4)).⁸

181
182 This section provides details on submitting promotional materials in fulfillment of postmarketing
183 reporting requirements. OPDP and APLB have different procedures, so firms should pay careful
184 attention to the following information.

185
186 Please include the following:

- 187
- 188 • Form FDA 2253: Transmittal of Advertisements and Promotional Labeling for Drugs and
189 Biologics for Human Use. (For OPDP submissions, this form should be submitted with *final*
190 promotional materials only.) Firms should use the most current version of Form FDA 2253.
 - 191
 - 192 • On Form FDA 2253, Box 14 titled "For CBER Products Only:"

⁷ Please refer to section VI on how to submit promotional materials in module 1 of the eCTD using *us-regional-v3-3.dtd* or higher. Note that complaints should not be submitted using this process.

⁸ For more information, see FDA's January 2014 draft guidance for industry entitled *Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics*. When final, the guidance will represent the FDA's current thinking on this topic.

- 193 ○ OPDP: Do NOT check the “Draft” or “Final” boxes
- 194 ○ APLB: Check the “Final” box only for Final postmarketing submissions
- 195
- 196 ● For cases where promotional materials mention multiple products, please note the lead
- 197 application number on Form FDA 2253 and include an attachment which identifies the other
- 198 referenced products (e.g., application type and number, trade name, established name).
- 199
- 200 ● Promotional material(s).
- 201
- 202 ● Current product labeling.
- 203

204 Firms are also encouraged to submit annotated versions of the promotional material(s) cross-
205 referenced to the product labeling and references, if applicable.

206 Professional and consumer materials should be submitted separately and should not include a
207 cover letter or correspondence. For 2253 submissions to OPDP, if a drug has multiple approved
208 indications that are covered by different reviewers in OPDP,⁹ firms should submit (when
209 possible) promotional materials that only promote one indication separately from promotional
210 materials that promote only another indication.

213 **B. Presubmission of Promotional Materials for Accelerated Approval Products**

214 Applicants whose drug products are approved under the accelerated approval framework, FD&C
215 Act section 506(c), 21 CFR 314 (subpart H) and 21 CFR 601 (subpart E), and other products
216 where such submissions are required for approval, must submit promotional materials to OPDP
217 and APLB as required under FD&C Act section 506(c)(2)(B), 21 CFR 314.550 and 21 CFR
218 601.45. Under section 506(c)(2)(B) of the FD&C Act, the Secretary of Health and Human
219 Services may grant accelerated approval of a drug product on the condition, among others, that
220 the sponsor submit copies of all promotional materials related to the product during the
221 preapproval review period and for such period thereafter as the Secretary determines to be
222 appropriate, at least 30 days prior to dissemination of the materials. Additionally, there may be
223 other situations when the Secretary may establish presubmission conditions on promotional
224 materials similar to those in place for accelerated approval products (e.g., section 564(e)(4)(A) of
225 the FD&C Act); in such situations, sponsors will be required to use the format for electronic
226 submission outlined in section V of this draft guidance, no earlier than 24 months after it is
227 finalized.

229 According to 21 CFR 314.550 and 21 CFR 601.45, unless otherwise informed by the Agency,
230 applicants being considered for accelerated approval must submit to the Agency, during the
231 preapproval review period, copies of all promotional materials, including both promotional
232 labeling and ads, intended for dissemination or publication within 120 days following marketing
233 approval (launch). Pursuant to the same regulatory provisions, after 120 days following
234 marketing approval, unless otherwise informed by the Agency, the applicant must submit
235

⁹ For information about OPDP reviewer assignments based on therapeutic area, refer to:
<http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm154886.htm>.

236 promotional materials at least 30 days prior to the intended time of initial dissemination of the
237 labeling or initial publication of the advertisement (non-launch).
238

239 The submission should include:
240

- 241 • Correspondence stating that it is a presubmission of promotional material(s) for an
242 accelerated approval product (please refer to section VI.E. for additional details on what to
243 include in the correspondence).
244
- 245 • A clean version of the draft promotional material(s) that does not include annotations to the
246 label or references.
247
- 248 • An annotated copy of the proposed promotional material that clearly identifies the source of
249 support for each claim (e.g., specific page and lines of the FDA-approved full prescribing
250 information (PI) or specific page and column/paragraph from other references).
251
- 252 • The most current FDA-approved PI and, if applicable, the FDA-approved patient labeling or
253 Medication Guide with annotations cross-referenced to the proposed promotional material.
254
- 255 • If applicable, annotated references to support product claims not contained in the PI, cross-
256 referenced to the proposed promotional material.
257
- 258 • If applicable, annotated references to support disease or epidemiology information, cross-
259 referenced to the proposed promotional material.
260

261 For draft promotional materials submitted to APLB under 21 CFR 601.45, use Form FDA 2253
262 with line 14 checked as “Draft.” Do *not* use Form FDA 2253 for submissions of promotional
263 materials for accelerated approval products to OPDP under 21 CFR 314.550 or 21 CFR 601.45.
264

265 **C. Promotional Materials Submitted Pursuant to Section 503C of the FD&C Act** 266

267 On September 27, 2007, the President signed into law the Food and Drug Administration
268 Amendments Act of 2007 (FDAAA) (Public Law No. 110-85). FDAAA authorizes FDA to
269 “require the submission of any television advertisement for a drug . . . not later than 45 days
270 before dissemination of the television advertisement.”¹⁰ FDA intends to notify firms when
271 television ads for a drug are subject to this submission requirement. Please refer to the draft
272 guidance *Direct-to-Consumer Television Advertisements—FDAAA DTC Television Ad Pre-*

¹⁰ FDAAA section 901(d)(2). This provision was initially designated as section 503B of the FD&C Act, and codified at 21 U.S.C. 353b. On November 27, 2013, the Drug Quality and Security Act [of 2013] (DQSA), Public Law 113-54, was enacted. Section 102(a) of the DQSA redesignated section 503B as section 503C of the Act, codified at 21 U.S.C. 353c.

273 *Dissemination Review Program* for recommendations regarding the components of a pre-
274 dissemination review package.¹¹

275 **D. Promotional Materials Submitted Voluntarily for Advisory Comments**

276
277
278 Section 21 CFR 202.1(j)(4) provides firms with a voluntary opportunity to submit promotional
279 materials to FDA for advisory comment prior to the dissemination or publication of those
280 promotional materials. Firms may request advisory comments on draft promotional pieces and
281 receive comments in writing from the Agency. Because this process is intended to provide input
282 prior to dissemination or publication, if the Agency learns that the submitted materials, or
283 substantially similar claims or presentations, have been disseminated or published—including
284 after submission for comments—the Agency will generally not review the materials under the
285 advisory process.

286 287 *1. Requests for Advisory Comments on Draft Promotional Materials Other Than DTC* 288 *TV Ads Under 21 CFR 202.1(j)(4)*

289
290 “Launch materials” are draft promotional materials that are voluntarily submitted by a firm to
291 OPDP or APLB during the launch phase (i.e., the first 120 days that an FDA-approved product,
292 indication, delivery system, formulation, dosage form, dosing regimen, strength, or route of
293 administration is marketed to the public) for review and comment prior to dissemination or
294 publication.

295
296 Requesting advisory comments on promotional materials prior to launch is encouraged. Review
297 of core launch materials is a high priority for Agency reviewers. Core launch materials generally
298 include:

- 299
300 • One comprehensive promotional labeling piece directed toward professionals (e.g., sales aid,
301 visual aid, detail aid, or exhibit panel (if there is a major conference within the launch
302 phase)), limited to 12 or fewer pages.
- 303
304 • One advertisement directed toward professionals (e.g., journal ad), limited to four or fewer
305 pages, not including the PI or brief summary.
- 306
307 • One comprehensive direct-to-consumer (DTC) labeling piece (e.g., patient brochure), limited
308 to 12 or fewer pages.
- 309
310 • One DTC advertisement (e.g., magazine ad), limited to four or fewer pages, not including the
311 brief summary.

312
¹¹ The draft guidance *Direct-to-Consumer Television Advertisements—FDAAA DTC Television Ad Pre-Dissemination Review Program* is available on the OPDP Regulatory Information webpage. The draft guidance is not for implementation. When final, it will represent the Agency’s current thinking on section 503C.

- 313 • A professional and/or DTC product website (limited to 12 printed pages each) or electronic
314 sales aid if it is a derivative (i.e., contains similar claims and/or presentations) of a
315 comprehensive labeling piece that is also submitted for advisory comment.
316

317 Launch materials other than those listed above (e.g., slide kits and materials longer than the page
318 limits listed above) are considered non-core launch materials. Non-core launch materials are a
319 lower priority than core launch materials. The Agency recommends that firms apply the
320 Agency’s comments on the core materials to non-core materials.
321

322 Non-launch materials consist of draft promotional materials that a firm voluntarily submits to
323 OPDP or APLB for review and comment prior to their first use in the public domain but after the
324 launch phase—i.e., after the first 120 days that an FDA-approved product, indication, delivery
325 system, formulation, dosage form, dosing regimen, strength, or route of administration is
326 marketed to the public.
327

328 In general, the submission should include:
329

- 330 • Correspondence stating that it is a request for advisory comments (please refer to section
331 V.I.E. for additional details on what to include in the correspondence).¹²
332
- 333 • A clean version of the draft promotional material(s) that does not include annotations to the
334 label or references.
335
- 336 • An annotated copy of the proposed promotional material(s) that clearly identifies the source
337 of support for each claim (e.g., specific page and lines of the PI or specific page and
338 column/paragraph from other references).
339
- 340 • The most current FDA-approved PI and, if applicable, the FDA-approved patient labeling or
341 Medication Guide with annotations cross-referenced to the proposed promotional material.
342
- 343 • If applicable, annotated references to support product claims not contained in the PI, cross-
344 referenced to the promotional material.
345
- 346 • If applicable, annotated references to support disease or epidemiology information, cross-
347 referenced to the promotional material.
348

349 When submitting draft promotional materials other than TV ads for advisory comments:
350

¹² For draft promotional materials submitted voluntarily to APLB for advisory comment, please use Form FDA 2253 with the box in line 14 checked as “Draft.” Please do *not* use Form FDA 2253 for submissions of draft promotional material submitted voluntarily to OPDP.

- 351 • Draft promotional materials submitted for advisory comment should be consolidated together
352 into one submission for each intended audience (i.e., one submission with professional
353 materials and one submission with consumer materials).
354
- 355 • It is also suggested that draft core launch materials be consolidated into a single submission
356 for each intended audience rather than sending the materials piecemeal in several
357 submissions over the course of a few days or weeks.
358
- 359 • In cases when the firm intends to submit professional and consumer launch core materials at
360 around the same time, it is suggested that both submissions be sent on the same day.
361
- 362 • Likewise, it is suggested that draft non-core launch promotional materials be consolidated
363 into single submissions for each intended audience to the extent possible.
364
- 365 • Submissions of draft DTC TV ads should not be included in submissions with other types of
366 materials (see below for how to submit).
367

368 2. *Requests for Advisory Comments on Proposed DTC TV Ads Under 21 CFR*
369 *202.1(j)(4)*
370

371 The submission should include:
372

- 373 • Correspondence stating it is a request for advisory comments on a proposed TV ad (please
374 refer to section VI.E. for additional details on what to include in the correspondence).
375
- 376 • A clean version of the storyboard of the proposed TV ad that does not include annotations to
377 the label or references.
378
- 379 • An annotated version of the storyboard of the proposed TV ad highlighting which references
380 support which claims.
381
- 382 • The most current FDA-approved PI and, if applicable, the FDA-approved patient labeling or
383 Medication Guide with annotations cross-referenced to the storyboard.
384
- 385 • Other appropriate documentation if any of the following apply:
386
- 387 ○ Annotated references to support product claims not contained in the PI, cross-referenced
388 to the storyboard.
 - 389 ○ If the advertisement identifies a person as an actual patient (e.g., a spokesperson) or
390 actual healthcare professional, a signed statement by that person verifying that he or she
391 has in fact used or prescribed the drug product for the advertised indication, and is not
392 merely an actor or model.
 - 393 ○ Verification, in the form of a signed statement by the translator, that an official
394 translation of a foreign-language TV ad is accurate.
395
396

- 397
398 ○ Annotated references to support disease or epidemiology information, cross-referenced to
399 the storyboard.
400
401 ○ Optionally, submissions for advisory review may include a video or animatic of the
402 proposed TV ad. If included, the video or animatic should be in an acceptable file
403 format.¹³
404

405 Materials unrelated to a proposed TV ad being submitted for advisory review should not be
406 included in the review package. However, more than one TV ad proposal for a particular
407 indication for a product may be submitted in the same review package.
408

409 **E. Resubmissions**

410
411 After FDA has responded to a request for advisory comments or commented on an accelerated
412 approval presubmission, firms may revise and resubmit draft materials.
413

414 In general, the resubmission should include:
415

- 416 • Correspondence stating that it is a request for advisory comments on a revised submission
417 (please refer to section VI.E. for additional details on what to include in the correspondence).
418
- 419 • A clean version of the draft promotional material(s) that does not include annotations to the
420 label or references.
421
- 422 • An annotated copy of the proposed promotional material that clearly identifies the source of
423 support for each claim (e.g., specific page and lines of the PI or specific page and
424 column/paragraph from other references).
425
- 426 • The most current FDA-approved PI and, if applicable, the FDA-approved patient labeling or
427 Medication Guide with annotations cross-referenced to the proposed promotional material.
428
- 429 • If applicable, annotated references to support disease or epidemiology information, cross-
430 referenced to the proposed promotional material.
431
- 432 • If applicable, annotated references to support product claims not contained in the PI, cross-
433 referenced to the proposed promotional material.
434

435 **F. General Correspondence**

436

¹³ The specification for industry *Specifications for File Format Types Using eCTD Specifications* is available at <http://www.fda.gov/downloads/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/UCM347471.pdf>.

437 General correspondence includes any correspondence submitted to FDA that may or may not
438 reference a specific drug product application, and that does not fall into one of the other
439 categories (e.g., 2253 submission, request for advisory comments). Please note that complaints
440 should not be submitted under the category of “general correspondence.” Examples of types of
441 correspondence to submit under this category include the following:
442

- 443 • Letters in which a firm informs OPDP or APLB of an error that occurred in its promotional
444 piece(s) or activities for its drug product(s).
445
- 446 • Safety update letters in which a firm informs OPDP or APLB that it will promptly revise all
447 of its promotional materials for a particular drug(s) to be consistent with new safety
448 information added to the product labeling.¹⁴
449
- 450 • General responses to comments from FDA provided in response to advice (advisory or
451 general) when no revised materials are included and there is no further request from the firm
452 to FDA for advisory comments (include Marketing & Advertising (MA) number).¹⁵
453
- 454 • Notifications from a firm to FDA that it plans to disseminate or publish promotional
455 materials for accelerated approval products previously submitted as required under 21 CFR
456 314.550 or 601.45 prior to receipt of comments by FDA (e.g., after 30 days for a non-launch
457 presubmission, or after application approval for a launch submission).
458
- 459 • Notifications from a firm regarding agreements with other companies for the promotion of
460 the product.
461
- 462 • Notifications from a firm regarding a change in contact information.
463

464 The submission should include:
465

- 466 • Correspondence stating that it is a general correspondence (please refer to section VI.E. for
467 additional details on what to include in the correspondence).
468

469 **G. Amendments (Submission of Previously Missing or Rejected Materials)** 470

471 If a previous request for advisory comments or 2253 submission to FDA is missing one or more
472 promotional materials, these materials should be submitted as amendments.
473

474 For requests for advisory comments, the submission should include:

¹⁴ This type of correspondence is not necessary if the firm notifies FDA in another correspondence (e.g., a presubmission for accelerated approval products) that it intends to comply with 21 CFR 314.70(a)(4) or 21 CFR 601.12(a)(4).

¹⁵ The MA number is the tracking number that CDER uses to identify a submission. CBER uses the *CBER secondary number*. When the term *MA number* is used in this guidance, it refers to both the MA number and CBER secondary number, as applicable.

- 475
476 • Correspondence stating that it is an amendment that includes accompanying materials that
477 were previously missing (please refer to section VI.E. for additional details on what to
478 include in the correspondence).
479
480 • Promotional materials that were omitted from a previous submission to FDA.
481
482 • Annotated copy of the promotional materials that were omitted from a previous submission
483 to FDA.
484
485 • The most current FDA-approved PI and, if applicable, the FDA-approved patient labeling or
486 Medication Guide with annotations cross-referenced to the proposed promotional material.
487
488 • If applicable, annotated references to support disease or epidemiology information, cross-
489 referenced to the proposed promotional piece that was previously omitted from a submission
490 to FDA.
491
492 • If applicable, annotated references to support product claims not contained in the PI, cross-
493 referenced to the proposed promotional material.
494

495 If FDA notifies a firm that promotional materials are missing from a previous 2253 submission
496 that was submitted in paper or non-eCTD format, the firm should resubmit the entire 2253
497 submission rather than submitting an amendment. In these situations, if part of a 2253
498 submission is rejected (e.g., a video does not play), the entire 2253 submission should be
499 resubmitted.

500
501 If the 2253 submission was in eCTD format, the firm should submit an amendment and include
502 the following:

- 503
504 • Correspondence stating that it is an amendment that includes accompanying materials that
505 were previously missing or rejected (please refer to section VI.E. for additional details on
506 what to include in the correspondence).
507
508 • Promotional materials that were missing or rejected from a previous submission to FDA; the
509 firm does not need to resubmit the entire 2253 submission.
510

511 *Example:* A firm submits a request for advisory comments on launch promotional materials
512 using eCTD. The correspondence file states that three promotional materials are included in
513 the submission along with annotated copies and references. However, upon receipt, FDA
514 notes that the actual submission only includes two promotional materials with annotated
515 copies and references. FDA contacts the firm to notify it that one promotional material is
516 missing from the submission and provides the MA number. The firm should then submit the
517 missing promotional material and the annotated copy and references as an amendment using
518 eCTD. The subject line of the correspondence should note that the submission is an
519 amendment and include the MA number.
520

H. Withdrawal Requests

A firm may request to withdraw a previous submission to FDA. No materials are submitted with such a request.

Because submission of promotional materials for accelerated approval products is required under 21 CFR 314.550 and 601.45, firms should only use a withdrawal request for such materials if the firm does not plan to disseminate/publish the promotional materials.

The submission should include:

- Correspondence stating that it is a withdrawal request (please refer to section VI.E. for additional details about what to include in the correspondence).

Example 1: A firm submits draft promotional materials for advisory review for its product (not approved under the accelerated approval regulations at 21 CFR 314.510 or 601.41) and later decides to disseminate the promotional materials without waiting for FDA advisory comments. The firm should notify FDA of its intent to withdraw the advisory request. The subject line of the correspondence should note that the submission is a withdrawal request and include the date of the advisory request or MA number.

Example 2: A firm submits draft promotional materials for advisory review for its product (not approved under the accelerated approval regulations at 21 CFR 314.510 or 601.41) and later decides not to disseminate the promotional material. The firm should notify FDA of its intent to withdraw the request for advisory comments. The subject line of the correspondence should note that the submission is a withdrawal request and include the date of the advisory request or MA number.

Example 3: A firm submits draft non-launch promotional materials for its product approved under the accelerated approval regulations at 21 CFR 314.510 or 601.41 and, two weeks later, decides that it does not intend to disseminate the promotional material. The firm should notify FDA of its intent to withdraw the submission. The subject line of the correspondence should note that the submission is a withdrawal request and include the date of the submission or MA number.

I. Response to Untitled Letter or Warning Letter

A response to an untitled letter or a warning letter is a correspondence type that includes a firm's initial response or additional correspondence pertaining to an untitled letter or warning letter from FDA regarding promotion.

The submission should include:

- Correspondence stating that it is a response to an untitled letter or warning letter. This response may include the firm's initial or subsequent responses. (Please refer to section VI.E. for additional details on what to include in the correspondence.)

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- Corrective piece(s), if applicable.

J. Response to Information Request

FDA may issue a letter of inquiry to firms when investigating potentially violative activity. The firm’s response to a letter of inquiry is considered a *response to an information request*. FDA will notify the firm when a response should be considered a response to information request. The correspondence should state that it is a response to an information request (please refer to section VI.E. for additional details on what to include in the correspondence). The correspondence should include the firm’s response to the questions and issues raised in FDA’s letter of inquiry, including any materials FDA has requested.

K. Reference Document

Reference documents are annotated references or annotated promotional materials that were missing from a previous submission to FDA. New promotional materials should not be included in this type of submission.

The submission should include:

- Correspondence stating that it is a reference document submission and the specific information regarding what is in the submission (i.e., annotated references, annotated promotional materials, and/or annotated labeling). Please refer to section VI.E. for additional details on what to include in the correspondence.
- Annotated references, annotated promotional materials, and/or annotated labeling.

Example: A firm submits a request for advisory comments for non-launch materials that includes two clean copies of promotional materials. However, the submission does not include annotated copies of the promotional materials or annotated references. FDA notifies the firm and provides the MA number. The firm should submit the missing materials as a reference document. The subject line of the correspondence should note that it is a reference document submission and include the MA number.

L. Complaints

Please note that complaints about prescription drug promotion are not accepted in eCTD, and they should only be submitted as paper hard copies.¹⁶ Please submit complaints regarding professional and consumer materials separately. A duplicate copy of the submission should be provided. Please do not include Form FDA 2253 or Form FDA 356h.¹⁷

¹⁶ If applicable, an electronic copy of a TV or radio ad in an acceptable file format (e.g, a CD containing a .wmv or .wma file) may be included with a complaint.

¹⁷ Form FDA 356h is an Application to Market a New or Abbreviated New Drug or Biologic for Human Use.

609 Please include the following:

- 610
- 611 • Correspondence stating that it is a complaint. Please include the drug, manufacturer, and
 - 612 specific regulatory concerns in the correspondence. In addition, the correspondence should
 - 613 include the contact name, title, address, phone, fax, and email of the person that the Agency
 - 614 should contact about issues related to the submission.
 - 615
 - 616 • Supporting information or documentation, if available.
 - 617

618 **V. FORMAT FOR SUBMISSION OF PROMOTIONAL MATERIALS IN PAPER HARD**

619 **COPY**

620

621 Paper copies of all promotional submission types will be accepted up until 24 months following

622 publication of the final version of this guidance. Beginning 24 months after this guidance is

623 finalized, paper copies will no longer be accepted for postmarketing submissions made pursuant

624 to the requirements in 21 CFR 314.81(b)(3)(i) or 21 CFR 601.12(f)(4) and submissions of

625 promotional materials for accelerated approval products and other products where such

626 submissions are required for approval (see section VI for further discussion). If paper hard copy

627 materials are submitted, please use tables 1 and 2 to determine the number of paper hard copy

628 materials to submit for each submission type. Please note that complaints are not accepted in

629 eCTD and they should only be submitted as paper hard copies. If a submission is submitted

630 electronically in eCTD, paper copies should not also be submitted, unless specifically requested.

631

632 **Table 1: Number of Paper Hard Copies for Various Submission Types Based on Recipient**

Type of Submission	Number of Paper Hard Copies	
	If Recipient is OPDP	If Recipient is APLB
Voluntary advisory submission (not a TV ad)	3	2
Voluntary advisory submission of a TV ad	10*	2*
Presubmission of promotional materials for accelerated approval products	3	2
503C TV ad	12*	2*
Resubmission	3	2
General correspondence	2	2
Amendment	3	2
Withdrawal request	2	2
Response to notice of violation or warning letter	2	2
Response to information request	2	2
Reference document	3	2
Complaint	2	2

633 * If a video is provided, only one copy of the video is necessary.

634
635
636

Table 2: Number of Paper Hard Copies of Promotional Materials to Submit in Fulfillment of the Postmarketing Reporting Requirements (Form FDA 2253 Submissions)*

2253 Submissions	Number of Paper Hard Copies
If the promotional material(s) mentions a single product	2
If the promotional material(s) mentions multiple products	3

637 * The number of copies is the same for OPDP and APLB. Note that beginning 24 months after
638 this guidance is finalized, pursuant to section 745A(a) of the FD&C Act, firms will no longer be
639 able to submit these promotional materials in paper hard copy.

640

A. Submitting Hard Copy Promotional Materials to OPDP

642

643 Please send paper hard copies to the following address:

644

Office of Prescription Drug Promotion

645

Food and Drug Administration

646

5901-B Ammendale Road

647

Beltsville, MD 20705-1266

648

649

650 For time-sensitive materials, please confirm receipt of the submission with a phone call to the
651 OPDP project manager at (301) 796-1200 or by email at CDER-OPDP-RPM@fda.hhs.gov.

652

653 For promotional materials other than 503C TV advisories,¹⁸ OPDP suggests applying an
654 “OPDP” sticker or other prominent directional notation to the exterior of packages submitted to
655 OPDP to help avoid misdirection of promotional materials. If it is not possible to add this
656 notation to the exterior of the package, OPDP recommends adding a prominent directional
657 notation (e.g., sticker, rubber stamp, etc.) to the cover letter itself.

658

B. Submitting Hard Copy Promotional Materials to APLB

659

660 Please send paper hard copies to the following address:

662

Advertising and Promotional Labeling Branch, HFM-602

663

Food and Drug Administration

664

Center for Biologics Evaluation and Research

665

Document Control Center

666

10903 New Hampshire Ave.

667

WO71 – G112

668

Silver Spring, MD 20993-0002

669

670

¹⁸ The draft guidance *Direct-to-Consumer Television Advertisements—FDAAA DTC Television Ad Pre-Dissemination Review Program* provides recommendations specific to 503C TV ads. The draft guidance is not for implementation. When final, it will represent the Agency’s current thinking on section 503C.

671 Any questions for APLB may also be addressed to APLB by phone at (240) 402-9158.
672

673 **VI. FORMAT FOR SUBMISSION OF PROMOTIONAL MATERIALS**
674 **ELECTRONICALLY**

675
676 This section provides information on specific aspects of how to submit promotional labeling and
677 advertising materials to FDA electronically in eCTD format.¹⁹ As discussed in section I, there
678 are two types of submissions related to promotional materials that are “submissions under
679 subsection (b), (i), or (j) of section 505 of [the FD&C] Act or subsection (a) or (k) of section 351
680 of the Public Health Service Act,” and are, therefore, subject to the mandatory electronic
681 submission requirement in section 745A(a) of the FD&C Act. The two types of submissions are:
682 (1) postmarketing submissions of promotional materials using Form FDA 2253 (required by 21
683 CFR 314.81(b)(3)(i) and 21 CFR 601.12(f)(4)), and (2) submissions of promotional materials for
684 accelerated approval products (required by FD&C Act section 506(c)(2)(B), 21 CFR 314.550 or
685 21 CFR 601.45) and other products where such submissions are required for approval.
686 Therefore, beginning no earlier than 24 months after publication of the final version of this
687 guidance, which, along with the eCTD Revised Draft Guidance, specifies the electronic format
688 for those submission types, firms will be *required* to submit them electronically. As of that date,
689 paper hard copies will no longer be accepted for such submissions.
690

691 While the other types of submissions related to promotional materials discussed in this guidance
692 are not subject to the mandatory electronic submission requirement in section 745A(a), firms
693 may—and are strongly encouraged to—make such submissions electronically. However, paper
694 hard copies will still be accepted for submission types that do not fall under section 745A(a).
695 We note that if firms do choose voluntarily to submit other materials electronically, CDER is
696 currently only able to accept them in eCTD format using *us-regional-v3-3.dtd*.²⁰ Once a firm
697 submits an application-related document in eCTD format, including but not limited to the types
698 of documents described in this guidance, paper copies related to that application should no
699 longer be submitted, unless specifically requested by the Agency.
700

701 In some cases, the company that holds the application for a drug collaborates with another
702 company to promote the drug. If the company handling promotion of the drug wants to submit
703 to OPDP or APLB using eCTD, the company should work with the application holder to ensure
704 that both companies are using the same version of the *us-regional- backbone* file. If the
705 submission is for OPDP, both companies will need to use the same version (for example, *us-*
706 *regional-v3-3.dtd*). In addition, both companies should work together to come up with a system
707 for generating sequence numbers in order to avoid the use of duplicate sequence numbers that
708 will result in a rejection of one of the submissions. For example a company could choose to
709 assign a block of numbers to a particular vendor (e.g., start promotional submissions with
710 sequence 5000).

¹⁹ For eCTD module 1 specifications that are discussed in this section see
<http://www.fda.gov/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/ucm253101.htm>.

²⁰ CBER is able to accept eCTD submissions using previous versions of the *us-regional-backbone* file until 24 months after publication of the final version of this guidance.

711
712 Please note that the eCTD format accommodates a wide range of applications and related
713 submission types other than submissions of promotional materials. Therefore, a specific
714 submission may not use all of the possible section-heading elements in each module. The
715 following sections describe specific procedures for submitting promotional labeling and
716 advertising to FDA in eCTD format, including submissions made pursuant to section 745A(a) of
717 the FD&C Act.

718 719 **A. Submission-Description Element**

720
721 FDA recommends including the *submission-description* element to provide a high-level
722 description of the purpose of the submission and to help differentiate similar types of
723 submissions. The *submission-description* element should include the description of the type of
724 submission and materials, the date of the submission²¹, and the MA number (if the MA number
725 has been provided in a previous communication with FDA) or CBER secondary number.

726
727 Some examples of helpful submission descriptions are listed below:

- 728
- 729 • Request for professional launch advisory for website, print ad, and sales aid 20140501
- 730 • Withdrawal request 20140405 for print ad MA61 submitted on 20140115
- 731 • Response to untitled letter 20140301 MA456
- 732 • Reference documents for professional launch advisory for print ad 20140302 MA31
- 733 • Consumer 2253 submission 20140915

734 735 **B. Submission-Type and Submission-Sub-Type**

736
737 For all promotional materials submitted to FDA via eCTD (including promotional materials
738 submitted in fulfillment of the postmarketing reporting requirements), use the *submission-type*
739 “Promotional Labeling Advertising.” If promotional materials are submitted in eCTD without
740 specifying “Promotional Labeling Advertising” as the *submission-type*, the submission may not
741 get appropriately routed to OPDP or APLB and, as a result, there may be a delay in processing
742 and responding to the submission.

743
744 The attribute *submission-sub-type* is used to further clarify the purpose of the submission. The
745 following are the current valid *submission-sub-type* codes for the *submission-type* “Promotional
746 Labeling Advertising:”

- 747
- 748 • *Original*. Use this *submission-sub-type* for all promotional materials submitted in fulfillment
749 of the postmarketing reporting requirements (2253 submissions) and for materials that do not
750 have a submission history with FDA. This includes original promotional materials such as
751 requests for advisory on launch materials, requests for advisory on non-launch materials,
752 presubmission of promotional materials for accelerated approval products, and materials
753 submitted pursuant to 503C. Also use this code for responses to untitled/warning letters,

²¹ The date format to be used is yyyyymmdd (four-digit year, two-digit month, and two-digit day).

754 responses to information requests, and other general correspondence if no submission history
 755 with the FDA exists for the materials.

- 756
- 757 • *Resubmission.* Use this *submission-sub-type* for requests for advisory comments and
 758 presubmissions of revised promotional materials that were previously submitted as an
 759 “original” submission.
 - 760
 - 761 • *Amendment.* Use this *submission-sub-type* for a submission that contains additional
 762 supportive material to augment information previously submitted, e.g., the submission of
 763 promotional material that was previously missing or rejected, withdrawal requests, and
 764 submissions of annotated references. In addition, use this *submission-sub-type* for responses
 765 to untitled/warning letters, responses to information requests, and general correspondence if
 766 there was an original submission to FDA in eCTD format.

767

768 Table 3 summarizes the submission process and the *submission-sub-type* code for new
 769 submissions.

770

771 **Table 3: Submission Process and Coding**

Submission History²²	Action	Code for <i>Submission-sub-type</i>
Has no prior FDA submission history	Submit to eCTD with the same <i>submission-id</i> as the sequence number	<ul style="list-style-type: none"> • “Original”
All promotional materials submitted in fulfillment of the postmarketing reporting requirements (2253 submissions)	Submit to eCTD with the same <i>submission-id</i> as the sequence number	<ul style="list-style-type: none"> • “Original”
Already has an associated eCTD promotional submission	Submit to eCTD with the same <i>submission-id</i> as the original promotional submission	<ul style="list-style-type: none"> • “Resubmission” for resubmissions • “Amendment” for amendments; withdrawal requests; reference documents; responses to untitled letters/warning letters and information requests; and general correspondence
Has a paper hard-copy submission history only	Do not submit to eCTD	<ul style="list-style-type: none"> • Submit using paper hard-copy process

772

²² The submission history is defined by the format through which the original submission was made. For example, if a 2253 submission was received in paper format, the entire submission is considered to be “paper” and all amendments to that submission should be made in paper. If a submission is received in eCTD format, all amendments to the submission should be made in eCTD format.

773 C. Form Element

774
775 For promotional materials submitted in fulfillment of the postmarketing reporting requirements,
776 use *form-type* Form FDA 2253 (Transmittal of Advertisements and Promotional Labeling for
777 Drugs and Biologics for Human Use) and submit this form in section 1.1. For cases where
778 promotional material(s) mention multiple products,²³ include the attachment listing the other
779 referenced products as a leaf with Form FDA 2253 in section 1.1.

781 D. Promotional Audience Type

782
783 When providing information in module 1.15, reference the leaves at the lowest heading elements.
784 For example, the *m-1-15-promotional-material* heading element needs an attribute of
785 *promotional-material-audience-type*. When a leaf is referenced in any subsection of module
786 1.15, provide the attribute as a coded value from its corresponding attribute list (promotional-
787 material-audience-type.xml). The current valid codes for *promotional-material-audience-type*
788 are:

- 789
- 790 • *Consumer*, for promotional materials directed to consumers; and
- 791 • *Professional*, for promotional materials directed to healthcare professionals.
- 792

793 E. Correspondence Related to Promotional Materials (Section 1.15.1)

794
795 Submit the correspondence relating to promotional materials as an individual portable document
796 format (PDF) file in the appropriate subsection of 1.15.1. Firms will need to submit a
797 correspondence for all submission types listed in section 1.15.1. A separate cover letter should
798 not be submitted in section 1.2. Please note that firms should not submit a correspondence or a
799 cover letter with 2253 submissions.²⁴ In some cases, the correspondence may be the actual
800 response and the only file necessary for the submission (e.g., response to untitled letter, response
801 to an Agency communication, or a general correspondence). Correspondences submitted to
802 section 1.15.1 should include the following:

- 803
- 804 • Subject line describing the reason for the submission, the NDA/ANDA/BLA number,
805 proprietary name/established name (dosage form), and the name of the TV ads (if
806 applicable). Examples of acceptable descriptions to be included in the subject line include
807 the following:
 - 808
 - 809 ○ Request for Advisory Comments on Launch Materials
 - 810 ○ Request for Advisory Comments on Non-Launch Materials
 - 811 ○ Presubmission of Launch Promotional Materials for Accelerated Approval Product
 - 812 ○ Presubmission of Non-Launch Promotional Materials for Accelerated Approval Product
 - 813 ○ Promotional Materials Submitted Pursuant to Section 503C
 - 814 ○ Response to Untitled Letter

²³ Please refer to section VI.J. regarding submitting promotional materials that reference more than one application.

²⁴ If, however, a firm is withdrawing a Form FDA 2253 submission, it must submit a correspondence withdrawing the submission in section 1.15.1.9.

- 815 ○ Response to Warning Letter
- 816 ○ Response to Information Request
- 817 ○ Amendment
- 818 ○ Withdrawal Request
- 819 ○ Submission of Annotated References
- 820 ○ General Correspondence

821

822 The body of the correspondence should include the following information:

823

- 824 ● Regulatory description of the submission.

825

- 826 ● Statement that the submission is virus free with a description of the software (name, version,
827 and company) used to check the files for viruses.

828

- 829 ● A list of all promotional materials included in the submission with the material type, material
830 ID, and description for each item listed.

831

- 832 ● A concise description of use of the promotional material(s), if applicable.²⁵

833

- 834 ● Whether the submission is for a “launch” or “non-launch.”

835

- 836 ● If the submission is for a launch, whether the promotional materials are “core” or “non-core.”

837

- 838 ● Whether the submission is subject to 21 CFR 314.550, 601.45 regulations, or section 503C of
839 the FD&C Act.

840

- 841 ● Whether the submission is a TV ad.

842

- 843 ● If the submission is the initial response to an untitled letter or warning letter, a list of all
844 promotional materials (with the 2253 submission date) for the drug product(s) that contain
845 violations similar to those described in the letter.

846

- 847 ● Whether the submission contains healthcare professional-directed materials or consumer-
848 directed materials.

849

- 850 ● Where applicable, whether the Agency has previously commented on the promotional
851 material(s); the comment date; and the Marketing, Advertising and Communications
852 Management Information System (MACMIS), MA number, or CBER secondary number.

853

- 854 ● The name, title, address, phone, fax, and email of the individual the Agency should contact
855 about issues related to the submission. If there are separate regulatory and technical points of
856 contact, please include this information for both individuals.

857

²⁵ Please refer to section VII.C. for additional details.

858 **F. Materials (Section 1.15.2)**²⁶

859 *1. Attributes*

860 Submit promotional labeling and advertising materials as individual files in an approved file
 861 format in section 1.15.2. When providing information in a subsection of module 1.15.2
 862 materials, three attributes are needed: *promotional-material-doc-type*, *promotional-material-*
 863 *type*, and *material-id*. An additional optional attribute, *issue-date*, should only be provided when
 864 the *promotional-material-doc-type* is a promotional 2253 submission. The attribute
 865 *promotional-material-doc-type* indicates the purpose of the promotional submission and needs to
 866 be provided with the *m1-15-2-materials* heading element. Provide the attributes as coded values
 867 from their corresponding attribute list (*promotional-material-doc-type.xml*). Table 5 shows the
 868 current valid codes for *promotional-material-doc-type*.
 869
 870
 871
 872

Table 5: Promotional Material Document Types and Descriptions

Promotional Material Document Type	Description
Promotional 2253	Form and materials required from submitter at initial dissemination of labeling as well as initial publication of an advertisement.
Request for Advisory Launch	Voluntary submission of launch promotional materials for FDA review and comment sent prior to dissemination/publication.
Request for Advisory Non-Launch	Voluntary submission of non-launch promotional materials for FDA review and comment sent prior to dissemination/publication.
Presubmission Accelerated Launch	Promotional materials intended to be used in the first 120 days after approval that are submitted to FDA prior to dissemination/publication as required by 21 CFR 314.550 and 601.45.
Presubmission Accelerated Non-Launch	Promotional materials intended to be used after the 120-day post-approval period that are submitted to FDA prior to dissemination/publication as required by 21 CFR 314.550 and 601.45.
Pre-Dissemination Review of Television Ads	TV ads submitted to FDA for pre-dissemination review in compliance with section 503C of the Federal FD&C Act.

873 The attribute *promotional-material-type* indicates the type of media/delivery method of the
 874 promotional material and should be provided with the *m-1-15-2-1 material* heading element.
 875

²⁶ If including multiple promotional materials in one submission, please refer to section VI.I. If submitting promotional materials that reference more than one application, see section VI.J.

876 Provide the attributes as coded values from their corresponding attribute list (promotional-
877 material-type.xml).²⁷

878
879 The *material-id* attribute may consist of letters, numbers, or both, and should not exceed 30
880 characters. The *issue-date* attribute, if applicable, should follow the date format as *yyyymmdd*
881 (four-digit year, two-digit month, and two-digit day).

882 883 2. Clean Version of Submitted Materials (Section 1.15.2.1.1)

884
885 For draft promotional materials submitted (1) voluntarily for advisory comment, (2) as required
886 under section 503C of the FD&C Act, or (3) under 21 CFR 314.550 or 601.45, submit clean
887 versions of the promotional materials (i.e., versions not including annotations to the label or
888 references) in section 1.15.2.1.1.

889
890 Clean versions of corrective pieces should also be submitted in section 1.15.2.1.1 using the
891 eCTD “replace” operation.

892
893 For promotional materials submitted in fulfillment of the postmarketing reporting requirements,
894 clean final versions of the promotional materials without any annotations must be submitted in
895 section 1.15.2.1.1.

896 897 3. Annotated Version of Promotional Materials (Section 1.15.2.1.2)

898
899 For draft promotional materials submitted (1) voluntarily for advisory comment, (2) as required
900 under section 503C of the FD&C Act, or (3) under 21 CFR 314.550 or 601.45, submit annotated
901 versions of the promotional materials (i.e., versions that are cross-referenced to the product
902 labeling and, if applicable, references) in section 1.15.2.1.2.

903
904 Annotated versions of corrective pieces should also be submitted in section 1.15.2.1.2 using the
905 eCTD “replace” operation.

906
907 For promotional materials submitted in fulfillment of the postmarketing reporting requirements,
908 firms may choose to submit annotated versions of the promotional materials in section 1.15.2.1.2
909 that are cross-referenced to the product labeling and, if applicable, references. References
910 improve the efficiency of review.

911
912 Firms should highlight and annotate the materials with a cross reference to the product labeling
913 or references. When product labeling or other references are used to support a claim or
914 presentation in proposed promotional materials, hypertext links should be provided in the
915 annotated promotional material to the page/specific lines that contain the supporting information.

916

²⁷ The current codes for *promotional-material-type*, as well as the codes for other attributes, are available on the FDA website:
<http://www.fda.gov/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/ucm253101.htm>.

917 **G. Product Labeling (Section 1.14.6 and Section 1.15.2.1.3)**

918

919 *1. Product Labeling Accompanying Form FDA 2253 Submissions (Section 1.14.6)*

920

921 Form FDA 2253 specifies that the most current product labeling accompany the submission.
922 Firms must submit the most current product labeling, as required in 21 CFR 314.81(b)(3)(i), to
923 section 1.14.6. For promotional labeling pieces, this is the PI that accompanies the promotional
924 materials. The required format for the PI is PDF.²⁸

925

926 *2. Annotated Product Labeling (Section 1.15.2.1.3)*

927

928 For draft promotional materials submitted (1) voluntarily for advisory comment, (2) as required
929 under section 503C of the FD&C Act, or (3) under 21 CFR 314.550 or 601.45, include the
930 annotated product labeling in section 1.15.2.1.3.²⁹ Firms should highlight and annotate, with a
931 cross-reference to the promotional materials, the sections of the product labeling that are referred
932 to in the promotional materials. When product labeling is used to support a claim or presentation
933 in proposed promotional materials, hypertext links should be provided to the page/specific lines
934 that contain the supporting information.

935

936 For promotional materials submitted in fulfillment of the postmarketing reporting requirements,
937 firms may choose to provide the annotated product labeling with hypertext links.³⁰

938

939 **H. Annotated References (Section 1.15.2.1.4)**

940

941 If references are provided, submit each reference as an individual PDF file and place it in section
942 1.15.2.1.4. Firms should highlight and annotate, with a cross reference to the promotional
943 materials, the sections of the full reference that are referred to in the promotional materials.
944 When a reference is used to support a claim or presentation in proposed promotional materials,
945 firms should provide, in the annotated promotional material, hypertext links to the page and the
946 specific lines of the reference that contains the supporting information.

947

948 For promotional materials submitted in fulfillment of the postmarketing reporting requirements,
949 firms may choose to provide references with hypertext links. References improve the efficiency
950 of review.

951

²⁸ Firms may choose to submit the current product labeling with each 2253 submission. Alternatively, once product labeling is submitted to section 1.14.6 with a 2253 submission, firms may cross reference the current product labeling within the XML backbone. If firms choose to reference the current product labeling within the XML backbone, they should ensure that the version of the product labeling that is referenced is correct and that the leaf title is revised with each 2253 submission to be informative for Agency reviewers (e.g., include the date of submission). Refer to section VI.K. for recommendations regarding leaf titles.

²⁹ Even if the submission does not include annotations to the label or a part of the label, firms should still include the entire label in section 1.15.2.1.3.

³⁰ Annotated labeling submitted in fulfillment of the postmarketing reporting requirements must be included as a PDF file in section 1.15.2.1.3. The current product labeling must still be submitted in section 1.14.6.

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I. Including Multiple Promotional Materials in One Submission

For draft promotional materials voluntarily submitted for advisory comment or submitted as required under 21 CFR 314.550 or 601.45, if multiple promotional materials are included in one submission, each of these materials is to be submitted with its own clean version, annotated version, annotated labeling, and annotated references. The following example shows how to submit multiple promotional materials in one submission in section 1.15 for advisory comments.

1.15 Promotional material (Professional)

1.15.1 Correspondence relating to promotional materials

1.15.1.1 Request for advisory comments on launch materials

Request for professional launch advisory for sales aid and print ad 20140501

1.15.2 Materials (Request for Advisory Launch)

1.15.2.1 Material (Sales Aid)(65NO35482)

1.15.2.1.1 Clean version

Sales aid 65NO35482 Considerations for treatment 20140501 CLEAN

1.15.2.1.2 Annotated version

Sales aid 65NO35482 Considerations for treatment 20140501 ANNOTATED

1.15.2.1.3 Annotated labeling version

PI annotated to sales aid

1.15.2.1.4 Annotated references

Reference 1 Smith et al. for sales aid

1.15.2.1 Material (Print Ad)(77UY6788)

1.15.2.1.1 Clean version

Print ad 77UY6788 A new option 20140501 CLEAN

1.15.2.1.2 Annotated version

Print ad 77UY6788 A new option 20140501 ANNOTATED

1.15.2.1.3 Annotated labeling version

PI annotated to print ad

1.15.2.1.4 Annotated references

Reference 1 Murray et al. for print ad

Reference 2 Shoon et al. for print ad

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For promotional materials submitted in fulfillment of the postmarketing reporting requirements, if multiple promotional materials are included in one submission, submit clean versions of each promotional piece in section 1.15.2.1.1. The following example shows how to submit multiple promotional materials in one submission in section 1.15.

1.1 Forms

Form FDA 2253: Transmittal of Advertisements and Promotional Labeling for Drugs And Biologics for Human Use

Form FDA 2253 Professional website and print ad 20140105

1.15 Promotional material (Professional)

1.15.2 Materials (Promotional 2253)

1.15.2.1 Material (www-website)(68443439)(20130105)

1.15.2.1.1 Clean version

Website 68443439 Challenges to treatment 20140105 CLEAN

1.15.2.1 Material (Print Ad)(3945730)(20140105)

1.15.2.1.1 Clean version

Print a d 3945730 A new treatment 20140105 CLEAN

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J. Submission of Promotional Materials Referencing More Than One Application (Grouped Submissions)

Firms may submit promotional pieces that promote more than one product (i.e., a multiple-product submission) as a grouped submission.³¹ However, only one application type can be used in a grouped submission. Therefore, should a promotional piece apply to more than one application type (e.g., a BLA and NDA), submit the promotional piece as a separate submission for each application type (i.e., there would be two separate submissions—one for the BLA application and one for the NDA application).

K. Leaf Titles

Appropriately named “leaf titles” allow FDA reviewers to navigate through submissions and distinguish one submission from another in the eCTD viewer. A leaf title should include the MA number if it has been provided in a previous communication with FDA.

The format of the leaf title for the actual form for Form FDA 2253 submissions (placed in section 1.1) should be informative for Agency reviewers. For example, the leaf title “Form FDA 2253 Consumer print ad 20140105” is more informative and searchable than a leaf title of “2253Form.” Although both examples identify the submission by type, in the first example the Agency reviewer will know the audience for the promotional material (consumer), the material type code, and the date of the submission—all without having to open the file itself.

In addition, the leaf title for the correspondence related to promotional materials (placed in section 1.15.1) should help the Agency reviewer identify the incoming submission by type. A leaf title of “Response to untitled letter 20140105 MA37” is more informative than a leaf title of “Response to untitled letter” because the former example identifies the type of correspondence, the letter date of the submission, and the MA number.

Leaf titles for each promotional piece (placed in section 1.15.2) should also be informative. For example, a healthcare professional-directed sales aid with the leaf title “Sales Aid 65NO35482 Considerations for treatment 20140102” is more informative than the leaf title “promotional piece.pdf.” When displayed in the eCTD viewer, the first example immediately identifies the material type code, the material identifying number of the piece (if applicable), a description of the piece, and the date of the submission. All of this information is useful to the Agency reviewer.

³¹ For instructions on assembling grouped submissions, please see <http://www.fda.gov/downloads/Drugs/DevelopmentApprovalProcess/FormsSubmissionRequirements/ElectronicSubmissions/UCM163552.pdf>.

1004 **L. Use of Operator Attributes**

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1006 When using lifecycle operations:

- 1007
- 1008 • For resubmissions, use the “replace” operator attribute to replace the previously submitted
1009 files with the resubmission’s updated files. If a firm is only resubmitting part of the original
1010 submission, the operator for the correspondence file should be “new.”
- 1011
- 1012 • For withdrawals, submit the withdrawal request and use the “delete” operator attribute on all
1013 leaves that are affected by the withdrawal request. The operator for the correspondence file
1014 should be “new.”
- 1015

1016 **VII. PRESENTATION ISSUES**

1017
1018 Because electronic images may not adequately convey the net impression of the promotional
1019 piece or the details of the intended promotional message within the piece, firms should follow
1020 the guidelines below to facilitate review by the Agency.

1021 **A. General Presentation Considerations**

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1023
1024 In general, the presentation considerations below encompass the appearance, layout, format, and
1025 visible impression of promotional materials submitted for all promotional submission types and
1026 audiences. Optimally, Agency reviewers should be able to use or view each promotional piece
1027 submitted to the Agency in the same manner as the end-user audience. In rare instances when
1028 this is not possible, firms are to submit electronic promotional materials in a manner for which
1029 the net impression is clear and legible; likewise for the individual representations in each
1030 promotional piece.

1031
1032 Provide each promotional piece submitted to the Agency in electronic format as an individual
1033 file in an approved file format. If the current list of approved file formats does not allow the firm
1034 to submit a fully functional piece, the submission needs to provide the ability to view all
1035 interactive selection options as still images with annotations or notes that clearly describe the
1036 functionality of the piece.

1037
1038 Please note that promotional materials submitted with Form FDA 2253 to OPDP must include a
1039 representation of the actual piece that is disseminated rather than solely a proof or galley copy of
1040 the promotional piece. However, a proof or galley copy of the promotional piece may also
1041 accompany the actual piece as part of the submission in order to demonstrate layout or size
1042 presentation elements. Proof or galley copies of the promotional piece should be submitted
1043 within section 1.15.2.1.2 of module 1. This recommendation does not apply to APLB
1044 submissions.

1045 **B. Visibility of Text and Images**

1046
1047
1048 Promotional materials should present clear and legible text and images regardless of the format
1049 (electronic and/or physical media). While the Agency recognizes that electronic images and text

1050 may require magnification on computer screens during the review process, the majority of
1051 images and text within each electronic file should not require excessive magnification in order to
1052 obtain the net impression of the piece or an understanding of the individual claims.

1053 1054 **C. Concise Description of Use**

1055
1056 Each promotional piece should include a concise description of use. The description may
1057 include, but should not be limited to, the purpose of the piece, setting of use for the piece, and/or
1058 an explanation of additional materials that will be used in conjunction with the piece. The
1059 concise description of use may be presented on Form FDA 2253 under “Comments” as a
1060 comment on the electronic version of the promotional piece, as a comment on an optional proof
1061 or galley piece, and/or within the correspondence of an advisory request. A concise description
1062 of use is particularly important in situations where additional context is necessary, such as when:

- 1063
1064 • The purpose of the promotional piece is not self-evident after looking at an image of the
1065 piece or reading its title (e.g., a journal ad may be designed with an appearance similar to a
1066 booth panel).
- 1067
1068 • The promotional piece is designed for use only in conjunction with other specific
1069 promotional pieces.
- 1070
1071 • The promotional piece is designed for use in a very specific setting.
- 1072
1073 • The promotional piece (with the same material ID number) is designed for multiple uses in
1074 different and unique settings.

1075
1076 Concise descriptions of use may include, but should not be limited to, language such as:

- 1077
1078 • Booth panel A will be used only in conjunction with booth panels B, C, and D
- 1079 • For use as a journal ad and a physician leave-behind
- 1080 • Item 1 of 5 of kit
- 1081 • For one-time use during [Conference Title, Month/Year]

1082 1083 **D. Layout Indicators**

1084
1085 Firms should submit promotional materials with clear and legible indicators for navigating
1086 through each promotional piece, as applicable. Indicators describing location and navigation
1087 elements in the piece should be presented on each electronic page or image and should not
1088 obstruct the image of the promotional materials. Indicators may include, but should not be
1089 limited to, the following:

- 1090
1091 • Front cover, back cover, inside front cover, inside back cover
- 1092 • Bottom of piece or page, top of piece or page
- 1093 • Front of piece, back of piece
- 1094 • Page numbers
- 1095 • Inserts

- 1096 • Pockets and pocket content
- 1097 • Tabs or section dividers
- 1098 • Folds
- 1099 • Blank pages or panels
- 1100 • Annotations to references
- 1101 • Actual size
- 1102 • Clarifying the PI position

1103
1104 Indicators may be presented as symbols or text. A key should be provided if symbols are
1105 presented as indicators within a submission.
1106

1107 **E. Websites, Electronic Interactive Programs, and Electronic Detail Aids**

1108

1109 Electronic promotional material submissions including, but not limited to, websites, electronic
1110 interactive programs, and electronic detail aids should clearly display and communicate how the
1111 promotional piece will look and convey messages to the end user. Preferably, the submission
1112 should allow FDA reviewers to view and interact with the piece in the same manner as the end
1113 user. For example, still electronic images may not adequately convey how complex interactive
1114 promotional pieces convey promotional messages. Such promotional submissions may also be
1115 accompanied by a video showing manipulation of the promotional program or application.
1116

1117 In general, in order to comply with the postmarketing requirement for promotional materials in
1118 21 CFR 314.81(b)(3)(i), a firm must submit its entire product website at the time of first use. If
1119 the firm then updates one page or section of the website, the firm need only submit the updated
1120 page or section with a cross-reference to the original submission of the website noted on Form
1121 FDA 2253, including the date of the original submission. If the website is substantially revised,
1122 the firm must submit the revised website in its entirety.³²
1123

1124 **F. Materials Requiring Physical Manipulation by the End User**

1125

1126 Promotional materials requiring physical manipulation by the end user in order to obtain the net
1127 impression of the promotional message (and/or the details of the promotional message) should be
1128 submitted in a format that allows the Agency to view all aspects of the promotional piece. For
1129 example, the electronic submission of a lenticular refrigerator magnet may display one image if
1130 tilted left and an alternate image if tilted right. Representations for both images should be
1131 submitted in this case.
1132

1133 **G. Three-Dimensional Promotional Pieces or Materials**

1134

1135 Electronic submission of three-dimensional promotional objects should provide sufficient detail
1136 to allow FDA to view the promotional material from all possible views. In addition, images

³² For detailed information regarding fulfilling regulatory requirements for postmarketing submissions of interactive promotional media, refer to the draft guidance *Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics*. When final, this guidance will represent the FDA's current thinking on this topic.

1137 should provide adequate information to allow Agency reviewers to determine the size of the
1138 object (e.g., point size, dimensions). In rare situations, it may not be possible to accurately
1139 represent the promotional piece in an electronic format. In these situations, the best possible
1140 electronic image should be submitted electronically and a courtesy copy of the promotional piece
1141 can also be sent for the reviewer. The courtesy copy of the promotional piece should be
1142 submitted as a general correspondence and should include a reference to the electronic
1143 submission and sequence number.

1144 **H. Multi-Page Spreads**³³

1147 Promotional materials that include text or images that span more than one page or for which the
1148 promotional message may be interpreted as spanning more than one page (e.g., a two- or three-
1149 page brochure spread) should include a clear image or representation of the entire spread within
1150 a single view. All possible spreads of a given promotional piece should be presented. In
1151 addition, electronic images of print materials and electronic materials should be presented in a
1152 manner and sequence as they would appear to the end user.

1154 **I. Kits**

1156 Electronic submission of kits should clearly indicate the components of the kit. Components of
1157 the kit that are not intended for distribution apart from the kit should be labeled as such. The
1158 accompanying Form FDA 2253 must include the material ID number or identifier for the kit, as
1159 well as the material ID number or identifier for each individual component of the kit.

1161 **J. Dimensions**

1163 All images of physical materials should include dimensions. Images of three-dimensional pieces
1164 should be identified as such in the descriptions and provide information adequate to determine
1165 height, width, and depth dimensions.

1167 Dimensions should be presented with standard units of measure.

1169 **K. Examples of Appropriately Submitted Promotional Materials**

1171 Although not exhaustive, the following examples illustrate appropriate electronic submissions of
1172 promotional materials in terms of presentation issues:

1174 *Example 1:* A firm creates a website for a new product that includes links and videos. As
1175 part of its postmarketing requirements, the firm must submit an electronic version of the
1176 product website under cover of Form FDA 2253. The website should allow the FDA
1177 reviewer to click on links within the website and view videos or other animations as an end

³³ In this guidance, the term *spread* is used to refer to adjacent pages of promotional material with related matter or connecting elements extending across the fold.

1178 user will experience while using the site.³⁴ If the firm is unable to provide active links within
1179 the electronic submission, the firm should provide electronic images of each webpage in
1180 conjunction with videos.

1181

1182 *Example 2:* A firm is disseminating an electronic version of a promotional labeling piece
1183 containing a healthcare professional-directed quiz. As part of its postmarketing
1184 requirements, the firm should submit an electronic working version of the quiz under cover
1185 of Form FDA 2253. If the firm is unable to provide a working version of the quiz, the
1186 submission must include images that convey the results of selecting correct answers as well
1187 as the images resulting from incorrect answers.

1188

1189 *Example 3:* A firm submits, for advisory comments, an electronic image of a promotional
1190 mug that displays a product logo, a frequently used tagline, and a graphic that appears on the
1191 mug when hot liquid is added. The submission should include images of the front, back,
1192 inside, bottom, and sides of the mug regardless of whether any particular view contains a
1193 promotional claim or representation. In addition, the submission should also include images
1194 of the mug when hot liquid is added along with an explanation of when the images appear.
1195 Such a submission would benefit from layout indicators such as “front,” “back,” and
1196 “intentionally left blank,” in addition to measurement indicators.

1197

1198 *Example 4:* A firm submits, for advisory comments, an electronic image of a trifold branded
1199 print brochure. The firm should present, in the following order, images of: (1) the front
1200 cover of the brochure, (2) all possible two-page spreads when the brochure is partially
1201 opened, (3) the single three-page spread when the brochure is completely opened, and (4) the
1202 back cover of the brochure. Such a submission would benefit from layout indicators such as
1203 “front panel,” “rear panel,” “2-panel spread,” and “3-panel spread,” in addition to
1204 measurement indicators.

1205

1206 *Example 5:* A firm is developing a kit for use that includes consumer-directed promotional
1207 materials that are exclusive to the kit to be submitted for advisory comments. For each piece
1208 of material included in the kit, the firm should provide a concise description for use. For
1209 example, a promotional piece that is intended only for distribution within the kit would
1210 include the following description: “Intended for distribution in consumer-directed sample kit
1211 only.”

1212

1213 *Example 6:* A firm is developing a Form FDA 2253 submission for an electronic banner
1214 used within an exhibit booth. The firm should submit a working version of the banner.
1215 However, if a working version of the banner cannot be submitted, the firm should submit a
1216 video of the banner in conjunction with screen shots. This is preferable to a submission
1217 consisting only of static screen shots. For example, the submission should include a video of
1218 the banner along with screen shots that convey how the message will scroll, the time lapse
1219 for the complete scroll of the message, and any variation in the rate that the message is
1220 scrolled across a screen.

³⁴ A fully functional website should be submitted in an accessible format whenever possible. Firms should not send links to websites—even if they are password-protected.

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Example 7: A firm is developing a Form FDA 2253 submission for a consumer-directed branded video game that is embedded within a standard website. If a working version of the game cannot be submitted using an acceptable file format, the firm should submit a video of the game being played in addition to electronic still images of the game. If the game will also be available to consumers within a conference exhibit setting, the firm should include a concise description of use disclosing this additional unique setting.