Notice to FDA of Distribution of VFD Drug

Food and Drug Administration
Center for Veterinary Medicine
Division of Animal Feeds (HV-220)
7519 Standish Place
Rockville, MD 20855

Fax: 240-453-6882

I/we are notifying FDA – Center for Veterinary Medicine that I/we intend to distribute VFD feeds.

_____ _____
Signature Date

_____ _____
Name of Responsible Party (Print/Type) Name of Firm or Individual

_____
Business Address

_____
Site Address (if different from above)

Revised 7/12/16

#120

Guidance for Industry

Small Entity Compliance Guide

Veterinary Feed Directive Regulation Questions and Answers

This version of the guidance corrects a typographical error in Q&A II.C.6.

This guidance document makes revisions to the final guidance that was made available in March 2009 to reflect the VFD final rule published in June 2015.

Submit comments on this guidance at any time. Submit electronic comments to http://www.regulations.gov. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All written comments should be identified with the Docket No: FDA-2010-N-0155.

For further information regarding this document, contact Dragan Momcilovic, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 7529 Standish Place, Rockville, MD 20855, 240-402-5944, e-mail: dragan.momcilovic@fda.hhs.gov.

Additional copies of this guidance document may be requested from the Policy and Regulations Staff (HFV-6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Place, Rockville, MD 20855, and may be viewed on the Internet at either http://www.fda.gov/AnimalVeterinary/default.htm or http://www.regulations.gov.

U.S. Department of Health and Human Services
Food and Drug Administration
Center for Veterinary Medicine
September 2015

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Small Entity Compliance Guide

Veterinary Feed Directive Regulation Questions and Answers

This guidance represents the current thinking of the Food and Drug Administration (FDA or Agency) on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. To discuss an alternative approach, contact the FDA office responsible for this guidance as listed on the title page.

I. INTRODUCTION

Before 1996, there were only two options for dispensing new animal drugs: (1) over-the-counter (OTC), and (2) prescription. In 1996 Congress enacted the Animal Drug Availability Act (ADAA) to facilitate the approval and marketing of new animal drugs and medicated feeds. As part of the ADAA, Congress recognized that certain new animal drugs intended for use in animal feed should only be administered under a veterinarian's order and professional supervision. For example, veterinarians are needed to control the use of certain antimicrobials. Control is critical to reducing unnecessary use of such drugs in animals and to slowing or preventing any potential for the development of bacterial resistance to antimicrobial drugs. Safety concerns relating to difficulty of diagnosis of disease conditions, high toxicity, or other reasons may also dictate that the use of a medicated feed be limited to use by order and under the supervision of a licensed veterinarian. Therefore, the ADAA created a new category of products called veterinary feed directive drugs (or VFD drugs).

In June 2015, FDA published a final rule that revised the VFD regulations in 21 CFR 558.6 and introduced clarifying changes to the definitions in 21 CFR 558.3 (80 FR 31708). This guidance document includes revisions that are consistent with the requirements in the 2015 VFD final rule.

This guidance also serves as a Small Entity Compliance Guide (SECG), to aid industry in complying with the requirements of the VFD final rule. FDA has prepared this SECG in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Public Law 104-121). This document is intended to provide guidance to small businesses on the requirements of the final rule.

In general, FDA guidance documents do not establish legally enforceable responsibilities. Instead, guidances describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited. The use of the word *should* in Agency guidance means that something is suggested or recommended, but not required.

II. VETERINARY FEED DIRECTIVE – GENERAL INFORMATION

A. Veterinary Feed Directive (VFD) Drugs

1. What is a Veterinary Feed Directive Drug?

A "veterinary feed directive (VFD) drug" is a drug intended for use in or on animal feed which is limited by an approved new animal drug application filed pursuant to section 512(b) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), a conditionally approved application filed pursuant to section 571 of the FD&C Act, or an index listing pursuant to section 572 of the FD&C Act to use under the professional supervision of a licensed veterinarian (21 CFR 558.3(b)(6)). Use of animal feed bearing or containing a VFD drug (VFD feed) must be authorized by a lawful VFD (21 CFR 558.6(a)(1)).

2. Who determines whether a drug is VFD drug?

When a new animal drug application is submitted to FDA's Center for Veterinary Medicine (CVM) for approval, CVM evaluates the drug for safety and effectiveness, and as part of the review process, determines whether the drug will be an over-the-counter (OTC) drug, a prescription (Rx) drug, or a VFD drug (limited to drugs used in or on animal feed).

3. What is a "combination veterinary feed directive drug"?

A "combination veterinary feed directive (VFD) drug" is a combination new animal drug (as defined in § 514.4(c)(1)(i)) intended for use in or on animal feed which is limited by an approved application filed pursuant to section 512(b) of the FD&C Act, a conditionally approved application filed pursuant to section 571 of the FD&C Act, or an index listing pursuant to section 572 of the FD&C Act to use under the professional supervision of a licensed veterinarian, and at least one of the new animal drugs in the combination is a VFD drug. Use of animal feed bearing or containing a combination VFD drug must be authorized by a lawful veterinary feed directive (21 CFR 558.3(b)(12)). If any component drug in an approved, conditionally approved, or indexed combination drug is a VFD drug, the combination drug is a combination VFD drug and its use must comply with the VFD requirements.

4. What are Category I and Category II drugs and what is their relevance to VFD?

All new animal drugs, including VFD drugs, approved for use in or on animal feed are placed in one of two drug categories, Category I or Category II (21 CFR 558.3(b)(1)). Category I drugs require no withdrawal period at the lowest use level in each species for which they are approved. Category II drugs either require a withdrawal period at the lowest use level for at least one species for which they are approved, or are regulated on a "no-residue" basis or with a zero tolerance because of a carcinogenic concern regardless of whether a withdrawal period is required.

A medicated feed mill license is required if the VFD drug used to manufacture a Type B or Type C medicated feed is a Category II, Type A medicated article (21 CFR 558.4(a)). A license is not required if the VFD drug is Category I with the exception of certain liquid and free-choice medicated feeds.

B. Veterinary Feed Directive (VFD)

1. What is a Veterinary Feed Directive?

A "veterinary feed directive" is a written (nonverbal) statement issued by a licensed veterinarian in the course of the veterinarian's professional practice that orders the use of a VFD drug or combination VFD drug in or on an animal feed. This written statement authorizes the client (the owner of the animal or animals or other caretaker) to obtain and use animal feed bearing or containing a VFD drug or combination VFD drug to treat the client's animals only in accordance with the conditions for use approved, conditionally approved, or indexed by the FDA (21 CFR 558.3(b)(7)). A VFD may also be referred to as a VFD order.

2. What is required for a VFD to be "lawful"?

To be lawful, a VFD must be issued and used in compliance with all applicable requirements in 21 CFR 558.6. This includes the requirement that a VFD must be issued by a veterinarian licensed to practice veterinary medicine operating in the course of his/her professional practice and in compliance with all applicable veterinary licensing and practice requirements, including issuing the VFD in the context of a veterinarian-client-patient relationship (VCPR) as defined by the state (21 CFR 558.6(b)(1)). If applicable VCPR requirements as defined by such state do not include the key elements of a valid VCPR as defined in FDA's regulations at 21 CFR 530.3(i), the veterinarian must issue the VFD in the context of a valid VCPR as defined in 21 CFR 530.3(i).

3. Does the state or federal definition of a veterinarian-client-patient relationship apply?

In those states that require a VCPR that includes the key elements of the federally-defined VCPR in order for a veterinarian to issue a VFD, the veterinarian issuing the VFD must be operating within the context of a VCPR as that term is defined by the state. In all other cases, the veterinarian must be operating within the context of a valid VCPR as defined by FDA in 21 CFR § 530.3(i). (21 CFR § 558.6(b)(1)(ii)). FDA will consider states with VCPR definitions that at least address the concepts that the veterinarian (1) engage with the client to assume responsibility for making clinical judgments about patient health, (2) have sufficient knowledge of the patient by virtue of patient examination and/or visits to the facility where patient is managed, and (3) provide for any necessary follow-up evaluation or care to include the key elements of the federally-defined VCPR as set forth in 21 CFR § 530.3(i).

In states where the veterinary practice requirements do not require that a VFD be issued within the context of a state-defined VCPR that includes the key elements of a valid VCPR as defined in federal regulations at 21 CFR § 530.3(i), FDA is requiring that the VFD be issued within the context of a federally-defined valid VCPR as defined at 21 CFR § 530.3(i). (21 CFR 558.6(b)(1)(ii)).

FDA will work with State regulatory authorities to verify whether their state has VCPR requirements in place that apply to the issuance of a VFD and include the key elements of the federally-defined VCPR. While FDA works with the State regulatory authorities we will provide information about that process online at http://www.fda.gov/animalveterinary/developmentapprovalprocess/ucm071807.htm.

FDA will then compile a list of states that require a VCPR that includes the key elements of the federally-defined VCPR in order for a veterinarian to issue a VFD. This list will be provided online at the time final guidance publishes (http://www.fda.gov/animalveterinary/developmentapprovalprocess/ucm071807.htm), and will be updated periodically as FDA receives and verifies information from states if they change their VCPR definition or its applicability.

C. Information on the VFD

1. What specific information must the veterinarian include on the VFD order and what information is optional?

21 CFR 558.6(b)(3) requires the following information to be fully and accurately included on the VFD order:

- The veterinarian's name, address, and telephone number;
- the client's name, business or home address, and telephone number;
- the premises at which the animals specified in the VFD are located;
- the date of VFD issuance;
- the expiration date of the VFD;
- the name of the VFD drug(s);
- the species and production class of animals to be fed the VFD feed;
- the approximate number of animals to be fed the VFD feed by the expiration date of the VFD;
- the indication for which the VFD is issued;
- the level of VFD drug in the feed and duration of use;
- the withdrawal time, special instructions, and cautionary statements necessary for use of the drug in conformance with the approval;
- the number of reorders (refills) authorized, if permitted by the drug approval, conditional approval, or index listing;
- the statement: "Use of feed containing this veterinary feed directive (VFD) drug in a manner other than as directed on the labeling (extralabel use), is not permitted";
- an affirmation of intent for combination VFD drugs as described in 21 CFR 558.6(b)(6); and
- the veterinarian's electronic or written signature.

In addition to the information described above that must be included on the VFD, the veterinarian also may, at his or her discretion, include on the VFD the following additional information as described in 21 CFR 558.6(b)(4) to more specifically identify the animals he or she is authorizing to be treated using the VFD feed:

- A more specific description of the location of the animals (for example, by site, pen, barn, stall, tank, or other descriptor the veterinarian deems appropriate);
- the approximate age range of the animals;
- the approximate weight range of the animals; and
- any other information the veterinarian deems appropriate to identify the animals at issue.

2. Who is the "client" for the purpose of filling the VFD?

For purposes of the VFD regulations, the term "client" typically refers to the person responsible for the care and feeding of the animals receiving the VFD feed. As described in the definition of the term "veterinary feed directive," the client may be the owner of the animals or other caretaker. (see 21 CFR 558.3(b)(7)).

3. What information should be included on the VFD to describe the "premises" at which the animals are located?

We expect that the veterinarian would enter information about the physical location of the animals referred to in the VFD that would be sufficiently descriptive to allow someone to locate the animals. Typically, the street address for the facility would be an appropriate way to identify the animals' location; however, other generally recognized geographical indicators such a global positioning system (GPS) coordinate may be appropriate if a street address does not exist.

We recognize that an address for a facility may not provide enough information to identify the location of animals in a case where the VFD is meant to authorize the VFD feed to be provided to a very specific group of animals. As a result, the veterinarian may use his or her discretion to enter additional information on the VFD that more specifically describes the location of the animals such as the site, pen, barn, stall, tank, or other descriptor (21 CFR 558.6(b)(4)(i)). The veterinarian should consult with the client to determine whether the animals will remain at this more specific location until the expiration date of the VFD.

We also understand that some groups of animals that are of similar age, weight range, etc., are managed in a similar manner, but may be housed in different physical locations. For example, a group of weaned pigs may be moved out of a nursery facility and transferred to multiple grow-out facilities for finishing. If a VFD is intended to authorize the use of a VFD feed in an identified group (approximate number) of animals that are located at more than one physical location, it is acceptable for a veterinarian to include multiple specified locations for that group of animals on the VFD. The veterinarian may write a VFD that covers animals in multiple locations (animal production facilities) to be fed the VFD feed by the expiration date on the VFD, provided he or she can do so in compliance with professional licensing and practice

standards and provided the VFD feed is supplied to such multiple locations by a single feed manufacturer (distributor).

4. What is an “expiration date” on the VFD?

The expiration date on the VFD specifies the last day the VFD feed can be fed. In other words, a VFD feed or combination VFD feed must not be fed to animals after the expiration date on the VFD (21 CFR 558.6(a)(2)).

5. How is the “expiration date” determined by the veterinarian for a VFD?

In certain cases, FDA determines the expiration date of a VFD (the number of days the VFD feed can be fed to the animal before the VFD expires) as part of the approval, conditional approval, or index listing of that drug. The VFD expiration date defines the period of time for which the authorization to feed an animal feed containing a VFD drug is lawful. The expiration date for the VFD must not extend beyond the expiration date specified in that drug’s approval, conditional approval, or index listing (21 CFR 558.6(b)(3)(v)).

In cases where the expiration date is not specified in the approval, conditional approval, or index listing, the expiration date of the VFD must not exceed 6 months after the date of issuance (21 CFR 558.6(b)(3)(v)). This provision allows veterinarians, based on their medical judgment and knowledge of the animal production operation, to determine on a case-by-case basis whether the maximum 6-month period is an appropriate expiration date for the VFD, or whether a more limited period is warranted. The veterinarian will use his or her medical judgment to determine what expiration date is appropriate for the VFD, based on many factors including, but not limited to, the type of animal production facility and operation, the VFD drug or combination VFD drug at issue, the intended use of the VFD drug, and the health status, treatment history, and lifecycle of the animals.

The date of expiration should be calculated by the calendar date, not the number of days. For example, using a 6-month expiration date for a VFD, if the VFD is written on July 10, then the expiration date would be January 10 of the following year. Using the same 6-month expiration date example, but having the VFD written on the last day of the month, the VFD expiration date would be the last day of the sixth month even if that month has fewer days. Thus, in this example, if the VFD is written on August 31, the expiration date would be the following February 28 during a regular calendar year, or February 29 during a leap year.

6. What is the “duration of use” and how does it relate to the "expiration date"?

The VFD expiration date defines the period of time for which the authorization to feed an animal feed containing a VFD drug is lawful. This period of time may be specified in the approved labeling of a given VFD drug or, if not specified in the labeling, the veterinarian must specify an expiration date for the VFD that does not exceed 6 months (21 CFR 558.6(b)(3)(v)). The duration of use is a separate concept from the expiration date, and determines the length of time, established as part of the approval, conditional approval, or index listing process, that the animal feed containing the VFD drug is allowed to be fed to the animals. This period of time is

specified in the labeling of the VFD drug. For example, for swine, the currently approved VFD drug tilmicosin has an expiration date of 90 days and a duration of use of 21 days. This means that when the VFD is issued, the client has 90 days to obtain the VFD feed and complete the 21-day course of therapy. It is unlawful to feed the VFD feed to animals after the VFD expiration date (21 CFR 558.6(a)(2)).

7. What is the "approximate number of animals" on the VFD?

The approximate number of animals is the potential number of animals of the species and production class identified on the VFD that will be fed the VFD feed or combination VFD feed at the specified premises by the expiration date of the VFD (21 CFR 558.6(b)(3)(viii)).

8. Can a VFD authorize either the approved pioneer or approved generic VFD drug(s)?

The veterinarian is required to write the name of the VFD drug on the VFD (21 CFR 558.6(b)(3)(vi)). The veterinarian may choose to write the trade name of the approved pioneer or an approved generic (if available) VFD drug or the established name of the VFD drug (i.e., active drug ingredient) to complete this requirement.

The veterinarian may choose to specify that a substitution by the feed manufacturer of either the pioneer or generic VFD drug identified on the form is not allowed. If the veterinarian does not specify that a substitution is not allowed, the feed manufacturer may use either the approved pioneer or an approved generic VFD drug to manufacture the VFD feed. However, the feed manufacturer may not substitute a generic VFD drug for a pioneer VFD drug in a combination VFD feed if the generic VFD drug is not part of an approved combination VFD drug.

9. In cases where a VFD drug is approved for use at multiple drug levels, or for use in a range of drug levels, would one or multiple VFD orders have to be issued to cover such drug uses?

In cases where a VFD drug is approved for use at multiple drug concentrations, or levels, the veterinarian may issue a single VFD order covering all those approved drug levels intended to be used, and the approved duration(s) of feeding the VFD feed at the approved drug level(s).

If a VFD drug is approved for use within a range of drug levels, then the veterinarian may specify a particular drug level within that range, or authorize use at any drug level within the range by putting the entire authorized range on the VFD.

10. What additional information is required on a VFD authorizing the use of a combination VFD drug?

A VFD authorizing the use of a combination VFD drug that contains two or more VFD drug(s) is required to include the name of the drugs in the combination, the indication(s) of use, the levels of the drugs in the VFD feed and duration of use, the withdrawal time, special instructions, and cautionary statements necessary for use of the combination VFD drug required by the approval

(21 CFR 558.6(b)(5)) (i.e., the drug-specific information specified in 21 CFR 558.6(b)(2)(vi), (ix), (x), and (xi) for each VFD drug in the combination).

The veterinarian may expand or limit the use of a VFD drug along with one or more OTC animal drugs in an approved, conditionally approved, or indexed combination VFD drug by completing the drug-specific information specified in 21 CFR 558.6(b)(2)(vi), (ix), (x), and (xi) for the use of the VFD drug(s) and by including one of the following affirmation of intent statements (21 CFR 558.6(b)(6):

- "This VFD only authorizes the use of the VFD drug(s) cited in this order and is not intended to authorize the use of such drug(s) in combination with any other animal drugs."

- "This VFD authorizes the use of the VFD drug(s) cited in this order in the following FDA-approved, conditionally approved, or indexed combination(s) in medicated feed that contains the VFD drug(s) as a component." [List specific approved combination medicated feeds following this statement.]

- "This VFD authorizes the use of the VFD drug(s) cited in this order in any FDA-approved, conditionally approved, or indexed combination(s) in medicated feed that contains the VFD drug(s) as a component."

11. Do these regulations allow reorders and refills?

The regulation allows the issuing veterinarian to authorize reorders (refills) of the VFD only if reorders (refills) are explicitly permitted by the drug approval, conditional approval, or index listing. In cases where reorders (refills) are not specified on the labeling for an approved, conditionally approved, or index listed VFD drug, reorders (refills) are not permitted (21 CFR 558.6(b)(3)(xii)).

12. What is an “extralabel use” of a VFD drug and is it allowed?

“Extralabel use” is defined in FDA’s regulations as actual or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling (21 CFR 530.3(a)). For example, feeding the animals VFD feed for a duration of time that is different from the duration specified on the label, feeding VFD feed formulated with a drug level that is different from what is specified on the label, or feeding VFD feed to an animal species different than what is specified on the label would all be considered extralabel uses.

Extralabel use of medicated feed, including medicated feed containing a VFD drug or a combination VFD drug, is not permitted (21 U.S.C. 360b(a); 21 CFR 530.11(b) and 558.6(a)(3)). Use of medicated feeds, including those containing a VFD drug or a combination VFD drug, is limited to the approved, conditionally approved, or indexed conditions of use (21 U.S.C. 360b(a); 21 CFR 558.6(a)(3)).

The VFD must include the statement "Use of feed containing this veterinary feed directive (VFD) drug in a manner other than as directed on the labeling (extralabel use) is not permitted." (21 CFR 558.6(b)(3)(xiii)).

D. VFD Transmission and Recordkeeping

1. How can a VFD order be transmitted to the distributor?

A veterinarian must send a copy of the VFD to the distributor in hardcopy by facsimile (fax), or by electronic means. If the veterinarian sends the VFD in hardcopy, he or she must send the copy of the VFD to the distributor either directly or through the client (21 CFR 558.6(b)(8)).

2. Is the veterinarian required to send the original VFD order to the distributor?

No, the veterinarian is not required to send the original paper copy to the distributor. The veterinarian must retain the original VFD in its original form (electronic or hardcopy). The distributor and client copies may be kept either as an electronic copy or hardcopy (21 CFR 558.6(a)(4)).

3. Can a VFD order be transmitted by telephone?

The veterinarian is required to issue a written (nonverbal) VFD (21 CFR 558.6(b)(7)). Therefore, a VFD order may not be issued verbally, including verbal transmission by telephone. A VFD order may be sent by facsimile (fax).

4. Can a VFD order be transmitted to the distributor by the Internet?

Yes. According to 21 CFR 558.6(b)(8), a VFD order must be sent to the distributor "via hardcopy, facsimile (fax), or electronically." The term "electronically" includes sending via the Internet. For example, transmitting the VFD "electronically" includes using the Internet to transmit the image of a paper VFD order (e.g., emailing a scanned VFD document) or using the Internet to transmit an electronic VFD order generated in a system that is shown to be in compliance with FDA's regulations at 21 CFR part 11. For additional information about how part 11 applies to the VFD process, see discussion at question 8, "What is 21 CFR part 11 and how does it apply to the issuance of electronic VFDs?" below.

5. Who is responsible for distributing the VFD order?

The veterinarian must retain the original VFD order in its original form (electronic or hardcopy) (21 CFR 558.6(a)(4)). In addition, the veterinarian is required to send a copy to the distributor directly or, if sending the VFD order in hardcopy, either directly or through the client (21 CFR 558.6(b)(8)), and the veterinarian is also required to give a copy of the VFD to the client (21 CFR 558.6(b)(9)). Thus, it is the veterinarian's obligation to ensure that the VFD order is distributed to the client and the distributor.

6. How long must VFD orders be kept and who must keep them?

All involved parties (veterinarian, client, distributor) must retain a copy of the VFD for 2 years. The veterinarian is required to keep the VFD in its original format. The distributor and client copies may be kept as an electronic copy or hardcopy (21 CFR 558.6(a)(4)).

7. In what format can the "original VFD" order be kept?

The veterinarian must retain the original VFD in its original form (electronic or hardcopy) (21 CFR 558.6(a)(4)).

8. What is 21 CFR part 11 and how does it apply to the issuance of electronic VFDs?

21 CFR part 11 sets out the criteria under which the agency considers electronic records, electronic signatures, and handwritten signatures executed to electronic records to be generally equivalent to paper records and handwritten signatures executed on paper.

21 CFR part 11 applies to records in electronic form that are created, modified, maintained, archived, retrieved, or transmitted under any FDA records requirements. Therefore, electronic VFD orders issued by veterinarians must be compliant with 21 CFR part 11, and electronic VFD orders received and electronically stored by distributors and clients must also be compliant with 21 CFR part 11. 21 CFR part 11 does not apply to paper records that are, or have been, transmitted by electronic means (such as facsimile, email attachments, etc.).

9. Can a third-party server company require testing of its clients' computers before starting to transmit VFD orders?

Whether or not third-party server companies require testing of their clients' computers for compatibility with their systems before starting to provide the clients with their service is a business decision between third-party server companies and their clients and not an FDA requirement.

III. QUESTIONS AND ANSWERS SPECIFIC TO INVOLVED PARTIES

A. Veterinarian

1. What are my responsibilities as a veterinarian?

In order for a VFD to be lawful, the veterinarian issuing the VFD:

- must be licensed to practice veterinary medicine (21 CFR 558.6(b)(1)(i));
- must be operating in the course of the veterinarian's professional practice and in compliance with all applicable veterinary licensing and practice requirements (21 CFR 558.6(b)(1)(ii));
- must write VFD orders in the context of a veterinarian-client-patient relationship (VCPR) (21 CFR 558.6(b)(1)(ii));
- must only issue a VFD that is in compliance with the conditions for use approved, conditionally approved, or indexed for the VFD drug or combination VFD drug (21 CFR 558.6(b)(2));
- must prepare a written (nonverbal) VFD (21 CFR 558.6(b)(7)) that includes the veterinarian's electronic or written signature (21 CFR 558.6(b)(3)(xv));
- must ensure the VFD includes all required information specified in the VFD regulation (21 CFR 558.6(b)(3));
- may enter additional discretionary information to more specifically identify the animals to be treated/fed the VFD feed (21 CFR 558.6(b)(4));
- must include certain drug-specific information for each VFD drug when the veterinarian is authorizing the use of a drug combination that includes more than one VFD drug (21 CFR 558.6(b)(5));
- for VFD drugs approved for use alone or in combination with one or more OTC drugs, must include on the VFD order an affirmation of intent either to restrict authorized use only to the VFD drug cited on the VFD or to allow the use of the cited VFD drug in an approved combination with one or more OTC drug(s) (21 CFR 558.6(b)(6));
- must provide the distributor with a copy of the VFD order (21 CFR 558.6(b)(8));
- must provide the client with a copy of the VFD order (21 CFR 558.6(b)(9));
- must retain the original VFD for 2 years (21 CFR 558.6(a)(4)); and
- must provide VFD orders for inspection and copying by FDA upon request (21 CFR 558.6(a)(5)).

2. Can I write a VFD order for an OTC drug?

No. A practicing veterinarian may not write a VFD order for an OTC drug. A veterinarian may only write a VFD order for drugs approved, conditionally approved, or indexed as VFD drugs by the FDA (21 U.S.C. 354); nor may he or she write a VFD order to be used other than as specified on the labeling for that drug (i.e., extralabel use is not permitted). (21 CFR 558.6(a)(3)).

3. How do I authorize or limit the use of a VFD drug that is approved to be used in combination with OTC drugs?

Some VFD drugs are approved for use alone or in a combination with one or more OTC drug(s). In those circumstances, the issuing veterinarian would specify on the VFD whether he or she authorizes the VFD drug to be used alone or in an approved drug combination with one or more OTC drug(s). In accordance with 21 CFR 558.6(b)(6), the veterinarian is required to affirm his or her intent by including one of the following three statements on the VFD:

- "This VFD only authorizes the use of the VFD drug(s) cited in this order and is not intended to authorize the use of such drug(s) in combination with any other animal drugs."

    - This statement is used if the veterinarian does **not** authorize the VFD drug to be used in combination with any other animal drug in the medicated feed. For those VFD drugs that are only approved as a single ingredient Type A medicated article, i.e., there are no approved combinations that contain the VFD drug as a component, this statement is the only one of the three statements that can be selected and must be included in the VFD.

- "This VFD authorizes the use of the VFD drug(s) cited in this order in the following FDA-approved, conditionally approved, or indexed combination(s) in medicated feed that contains the VFD drug(s) as a component." [List specific approved combination medicated feeds following this statement.]

    - This statement is used if the veterinarian chooses to authorize the use of the VFD drug(s) only in **specific** combination(s); the veterinarian may only list approved, conditionally approved, or indexed combination(s) that contain the VFD drug. The client is authorized to use the VFD drug(s) in medicated feed either alone or in those specific combinations that the veterinarian has specified on the VFD.

- "This VFD authorizes the use of the VFD drug(s) cited in this order in any FDA-approved, conditionally approved, or indexed combination(s) in medicated feed that contains the VFD drug(s) as a component."

    - This statement is used if the veterinarian authorizes the use of the VFD drug(s) in **any** approved combination that contains the VFD drug. The client is authorized to use the VFD drug(s) either alone or in any approved, conditionally approved, or indexed combination with the OTC drug(s) in the medicated feed.

4. Other than the required information, what other information may I include in the VFD?

As also noted in II.C.1 above, the veterinarian may, at his or her discretion, more specifically identify the animals authorized to be treated/fed the VFD feed (21 CFR 558.6(b)(4)). Specifically, the veterinarian can further specify the location of the animals (e.g., site, pen, barn, stall, or tank), the approximate age or weight range of the animals, or any other information the veterinarian deems appropriate to identify the animals subject to the VFD.

5. How can I transmit an electronic VFD order to the distributor immediately if my third-party computer server holds all VFD orders and only transmits them once per day (e.g., midnight)?

For an immediate delivery of an electronic VFD order, we recommend that the veterinarian print a copy of the VFD and have it hand delivered, transmitted by facsimile, or transmitted electronically to the distributor.

6. How do I cancel my VFD order?

To cancel a paper VFD order we recommend that the veterinarian promptly contact the client and distributor in possession of a copy of the VFD order.

To cancel an electronic VFD order that involves a third-party server, we recommend that the veterinarian contact the server and request that the VFD order not be transmitted. If the veterinarian wants to cancel the VFD order after the order has been electronically transmitted, we recommend that he or she contact the distributor and client who received a copy of the VFD order and request that the VFD order be cancelled.

We recommend that the involved parties document the cancellation request and make the records available at the time of an inspection. In a situation where the distributor is contacted regarding cancellation of the VFD order, we recommend that the distributor document the final outcome of the cancellation request (e.g., state that the VFD feed was neither prepared nor distributed to the client).

7. In the past, I issued paper VFD orders. Do I have to issue electronic VFD orders now?

No. Issuing VFD orders electronically is entirely optional. Paper VFD orders remain an acceptable means of authorizing the use of a VFD drug.

8. How do I obtain a VFD form for a VFD drug?

Although it is not mandatory for VFD drug sponsors to provide copies of a VFD form for use by veterinarians, sponsors may make the VFD forms available to veterinarians in triplicate to ensure efficiency and completeness of VFD order transmission. Regardless of whether or not a drug sponsor makes VFD forms available to veterinarians, a veterinarian may create his/her own VFD form for a VFD drug. Any VFD form, whether provided by the drug sponsor or created by a veterinarian, must include the information specified in 21 CFR 558.6(b)(3).

9. Can I make my own VFD form to authorize the use of a VFD drug?

Although many companies distribute for use by veterinarians a VFD form that is specific to their products, a veterinarian may also create or use a different VFD form, as long as it contains all of the required information specified in 21 CFR 558.6(b)(3).

B. Distributor

1. What are my responsibilities as a distributor?

If you distribute an animal feed containing a VFD drug or a combination VFD drug, you must:

- File a one-time notice with FDA of intent to distribute VFD drugs (21 CFR 558.6(c)(5)). The notice should be sent to FDA, Center for Veterinary Medicine, Division of Animal Feeds (HFV-220), 7519 Standish Pl., Rockville, MD 20855 (21 CFR 558.6(c)(7));
- notify FDA within 30 days of any change in ownership, business name, or business address (558.6(c)(6));
- fill a VFD order only if the VFD contains all required information (21 CFR 558.6(c)(1));
- ensure that the distributed animal feed containing the VFD drug or combination VFD drug complies with the terms of the VFD and is manufactured and labeled in conformity with the approved, conditionally approved, or indexed conditions of use for such drug (21 CFR 558.6(c)(2));
- ensure all labeling and advertising prominently and conspicuously displays the following cautionary statement: "Caution: Federal law restricts medicated feed containing this veterinary feed directive (VFD) drug to use by or on the order of a licensed veterinarian." (21 CFR 558.6(a)(6));
- retain VFD orders for two years from date of issuance (21 CFR 558.6(a)(4));
- retain records of the receipt and distribution of all medicated animal feed containing a VFD drug for 2 years (21 CFR 558.6(c)(3));
- provide VFD orders for inspection and copying by FDA upon request (21CFR 558.6(a)(5));

- retain records of VFD manufacturing for 1 year in accordance with 21 CFR part 225 and make such records available for inspection and copying by FDA upon request (21 CFR 558.6(c)(4)); and
- if you are the originating distributor (consignor), you must obtain an acknowledgement letter from the receiving distributor (consignee) before the feed is shipped (21 CFR 558.6(c)(8)); and
- if you are a consignor distributor, you are required to retain a copy of each consignee distributor's acknowledgement letter for 2 years (21 CFR 558.6(c)(8)).

2. What is the Distributor Notification Process?

A distributor must submit a one-time notification to FDA of its intent to distribute medicated feed containing a VFD drug (21 CFR 558.6(c)(5)). The term "distributor" means any person who distributes a medicated feed containing a VFD drug to another person. Such other person may be another distributor or the client-recipient of a VFD (21 CFR 558.3(b)(9)). The distributor notification must include the distributor's complete name and business address, the distributor's signature or the signature of the distributor's authorized agent, and the date the notification was signed (21 CFR 558.6(c)(5)).

In some cases, an animal producer (the client) may also be a distributor. When a manufacturer of a Type B VFD feed distributes the Type B VFD feed to an animal producer, the animal producer may manufacture a Type C VFD feed to either feed the VFD feed to his or her own animals and/or further distribute the Type C VFD feed to another distributor or client-recipient.

If the VFD feed is being shipped to an animal producer who is a distributor that has sent a one-time notification to FDA, the animal producer must supply either an acknowledgment letter (see also answer to question #5 below "What is an acknowledgment letter and how is it different than a distributor notification?") or a VFD for the receipt of the Type B VFD feed from the distributor. (§ 558.6(c)(2) and (8)) (Note: In order for the animal producer to receive a Type B or Type C VFD feed without a VFD in hand, he or she must have previously notified FDA that he or she is a distributor. (§ 558.6(c)(5)) If the animal producer provides an acknowledgment letter to the distributor from whom the animal producer receives the VFD feed, the animal producer must either receive an acknowledgment letter or a VFD prior to further distributing the VFD feed to another person, or have a VFD on hand prior to feeding the Type C VFD feed to his or her own animals. (§ 558.6(c)(2) and (8)).

3. When is a distributor required to submit an updated notification to the FDA?

An updated notification is required within 30 days of any change in ownership, business name, or business address (21 CFR 558.6(c)(6)).

4. Is there a publicly available VFD distributor notification list?

Yes. The list is available at:
http://www.fda.gov/AnimalVeterinary/DevelopmentApprovalProcess/ucm071807.htm#listing.

5. What is an acknowledgment letter and how is it different than a distributor notification?

An acknowledgement letter is a letter that a distributor obtains from a consignee-distributor (the distributor receiving the VFD feed) when the distributor ships an animal feed containing a VFD drug in the absence of a valid VFD. Specifically, an "acknowledgement letter" is a written (nonverbal) communication provided to a distributor (consignor) from another distributor (consignee). An acknowledgement letter must be provided either in hardcopy or through electronic media, and must affirm: (1) that the distributor will not ship such VFD feed to an animal production facility that does not have a VFD; (2) that the distributor will not ship such VFD feed to another distributor without receiving a similar written acknowledgment letter; and (3) that the distributor has complied with the distributor notification requirements in 21 CFR 558.6(c)(5). (21 CFR 558.3(b)(11)) The acknowledgment letter allows a distributor to have VFD feed on hand so that when a client gives them a valid VFD they can fill the VFD immediately.

An acknowledgment letter is different than a distributor notification. A distributor notification is the one-time notice by a distributor to the FDA of its intent to distribute a medicated feed containing a VFD drug (21 CFR 558.6(c)(5)).

6. When is a medicated feed mill license required?

A medicated feed mill license is required to manufacture a Type B or Type C medicated feed from a Category II, Type A medicated article (21 CFR 558.4(a)). A medicated feed mill license is also required to manufacture certain free-choice medicated feeds (21 CFR 510.455(f)) and liquid medicated feeds (21 CFR 558.5(g)). The licensing requirements are the same whether manufacturing medicated feed from OTC or VFD drugs.

7. Is a medicated feed mill license required when a medicated feed containing a VFD drug is manufactured from a Type A medicated article?

It depends. A medicated feed mill license is required if the VFD drug used to manufacture a Type B or Type C medicated feed is a Category II, Type A medicated article (21 CFR 558.4(a)). A license is not required if the VFD drug is Category I with the exception of certain liquid and free-choice medicated feeds.

8. What should the distributor do if the VFD is not completely filled out?

The veterinarian must ensure that all required information is fully and accurately included on the VFD (21 CFR 558.6(b)(3)). The distributor is permitted to fill a VFD only if the VFD contains all required information (21 CFR 558.6(c)(1)). If it does not contain all of the required information, the distributor must not fulfill the VFD and we recommend that the distributor notify the veterinarian that the order cannot be filled until all the necessary information on the VFD is provided.

9. If a VFD authorizes the use of a drug(s) that is not approved as a VFD, can a distributor fill the VFD order?

No.

C. Client

1. What are my responsibilities as a client?

A client recipient of an animal feed containing a VFD drug or a combination VFD drug must:

- Only feed animal feed bearing or containing a VFD drug or a combination VFD drug (a VFD feed or combination VFD feed) to animals based on a VFD issued by a licensed veterinarian (21 CFR 558.6(a)(1));
- feed a VFD feed or combination VFD feed to animals by no later than the expiration date on the VFD (21 CFR 558.6(a)(2));
- provide a copy of the VFD order to the distributor if the issuing veterinarian sends the distributor's copy of the VFD through you, the client (21CFR 558.6(b)(8);
- maintain a copy of the VFD order for a minimum of 2 years (21 CFR 558.6(a)(4)); and
- provide VFD orders for inspection and copying by FDA upon request (21 CFR 558.6(a)(5)).

2. What is my role as a client in the veterinarian-client-patient-relationship (VCPR)?

In order for a VFD to be lawful, the VFD must be issued and used in compliance with all applicable requirements in 21 CFR 558.6. This includes the requirement that the veterinarian must issue the VFD in the context of a state-defined VCPR, or if the VCPR requirements as defined by such state do not include the key elements of the federally-defined valid VCPR or are not applicable to the issuance of a VFD, then the veterinarian must issue the VFD in the context of a valid VCPR as that term is defined in FDA's regulations at 21 CFR 530.3(i). (21 CFR 558.6(b)(1)(ii)). In those cases where the federally-defined VCPR applies, in order for the VFD to be written in the context of a valid VCPR you, as the client, must agree to follow instructions of the veterinarian (21 CFR 530.3(i)(1)). In those cases where a veterinarian is issuing the VFD in the context of a state-defined VCPR, as a client you must follow the client requirements in the state-defined VCPR.

3. Can a client distribute or feed drugs that are not approved as VFD drugs if such distribution or feeding is authorized by a veterinarian on a VFD order?

No.

4. Can a client feed a VFD feed past the VFD expiration date?

No. A VFD feed or combination VFD feed must not be fed to animals after the expiration date on the VFD (21 CFR 558.6(a)(2)).

5. I have a VFD order that I would like to use to feed a VFD feed, but the order will expire before I can complete the duration of use on the order, what should I do?

The client should contact his/her veterinarian to request a new VFD order. A VFD feed or combination VFD feed must not be fed to animals after the expiration date on the VFD (21 CFR 558.6(a)(2)).

Drugs Transitioning from Over-the-Counter (OTC) to Prescription (Rx) Status

Upon completion of their voluntary transition from OTC to Rx, all uses of the following drugs will require a prescription from a veterinarian as of January 1, 2017, except in cases where a sponsor chooses to voluntarily withdraw the drug application:

Water Soluble Drugs Transitioning From OTC to Rx Status

Established drug name	Examples of proprietary drug name(s)
chlortetracycline	Aureomycin, Aureomycyn, Chlora-Cycline, Chloronex, Chlortetracycline, Chlortetracycline Bisulfate, Chlortet-Soluble-O, CTC, Fermycin, Pennchlor
erythromycin	Gallimycin
gentamicin	Garacin, Gen-Gard, GentaMed, Gentocin, Gentoral
lincomycin	Linco, Lincomed, Lincomix, Lincomycin, Lincomycin Hydrochloride, Lincosol, Linxmed-SP
lincomycin/spectinomycin*	Lincomycin S, Lincomycin-Spectinomycin, L-S, SpecLinx
neomycin	Biosol Liquid, Neo, Neomed, Neomix, Neomycin, Neomycin Liquid, Neomycin Sulfate, Neo-Sol, Neosol, Neosol-Oral, Neovet
oxytetracycline	Agrimycin, Citratet, Medamycin, Oxymarine, Oxymycin, Oxy-Sol, Oxytet, Oxytetracycline, Oxytetracycline HCL, Oxy WS, Pennox, Terramycin, Terra-Vet, Tetravet-CA, Tetroxy, Tetroxy Aquatic, Tetroxy HCA
penicillin	Han-Pen, Penaqua Sol-G, Penicillin G Potassium, R-Pen, Solu-Pen
spectinomycin	Spectam
sulfadimethoxine	Agribon, Albon, Di-Methox, SDM, Sulfabiotic, Sulfadimethoxine, Sulfadived, Sulfamed-G, Sulforal, Sulfasol
sulfamethazine	SMZ-Med, Sulfa, Sulmet
sulfaquinoxaline	S.Q. Solution, Sulfa-Nox, Sulfaquinoxaline Sodium, Sulfaquinoxaline Solubilized, Sul-Q-Nox, Sulquin
tetracycline	Duramycin, Polyotic, Solu/Tet, Solu-Tet, Supercycline, Terra-Vet, Tet, Tetra-Bac, Tetracycline, Tetracycline Hydrochloride, Tetramed, Tetra-Sal, Tetrasol, Tet-Sol, TC Vet

Note: apramycin, carbomycin/oxytetracycline*, chlortetracycline/sulfamethazine*, streptomycin, sulfachloropyrazine, sulfachlorpyridazine, and sulfamerazine/sulfamethazine/sulfaquinoxaline* are expected to transition to Rx status, but are not marketed at this time. If they return to the market after January 1, 2017, they will require a prescription from a veterinarian.

*Fixed-ratio, combination drug

Current Rx Water Soluble Drugs

Established drug name	Examples of proprietary drug names
tylosin	Tylan, Tylomed, Tylosin, Tylosin Tartrate, Tylovet

This information is up-to-date as of January 19, 2016. As the industry transitions, CVM anticipates additional changes during the coming months to this information. Please check the link below for the most recent updates: http://www.fda.gov/AnimalVeterinary/SafetyHealth/AntimicrobialResistance/JudiciousUseofAntimicrobials/default.htm