



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515-6115

JAN 10 2008

Dear Mr. Chairman:

Thank you for the letter dated June 15, 2007, co-signed by Bart Stupak, Chairman, Subcommittee on Oversight and Investigations, to Michael O. Leavitt, Secretary of Health and Human Services, requesting information and documents related to Erythropoiesis-Stimulating Agents (ESA). Secretary Leavitt asked that the Food and Drug Administration (FDA) respond on his behalf. On September 26, 2007, we sent a partial response. This is a further partial response.

Information contained in the enclosures may include information that is trade secret, commercial confidential, or other information protected from disclosure to the public under the Freedom of Information Act (Title 5, *United States Code* [U.S.C.] 552), the Trade Secrets Act (18 U.S.C. 1905), and FDA regulations. The Committee should not publish or otherwise make public any such information. We would be glad to discuss with the Committee staff the protected status of any specific information.

We have restated your questions in bold, followed by our answer.

- 1) **Any and all records reflecting communication between Johnson & Johnson and FDA, FDA Office of Chief Counsel (OCC) or elsewhere within the Department of Health and Human Services (HHS) relating to advertising of Procrit between 1998 and 2005.**

Responsive documents are enclosed at Tab A.

- 2) **Any and all records reflecting communication between Amgen and FDA, OCC, or elsewhere within HHS relating to advertising of Aranesp, separately or bundled (for example with Neulasta or Neupogen)**

Responsive documents are enclosed at Tab B.

- 3) **Any and all records between Amgen and FDA, OCC, or elsewhere within HHS relating to “quality of life” claims including the claim that Aranesp may “relieve the symptoms of anemia” contained in the Aranesp package insert or label information.**

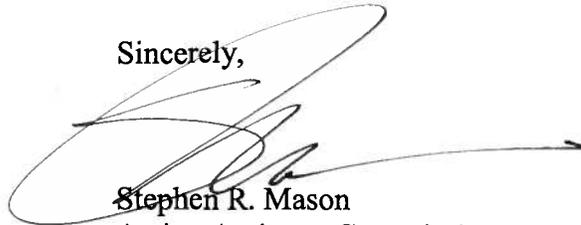
Responsive documents are enclosed at Tab C.

- 4) **Any and all records between Johnson & Johnson and FDA, OCC, or elsewhere within HHS relating to “quality of life” claims contained in the Procrit label, including the claim that “symptoms [of weakness, dizziness, chest pain] may improve” with use of Procrit.**

Responsive documents are enclosed at Tab D.

We will continue to work with Committee staff on this request. An identical letter has been sent to Chairman Stupak without enclosures. Thank you for your interest in this matter. If you have further questions, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen R. Mason', with a long horizontal flourish extending to the right.

Stephen R. Mason
Acting Assistant Commissioner
for Legislation

Enclosures