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NEW ENGLAND DISTRICT  
MEMORANDUM

Date January 26, 2005

From [REDACTED]  
NWE-DO

Subject Inspection/Investigation of  
New England Compounding Center  
697 Waverly Street  
Framingham, MA 01702

To Kathleen Anderson, Acting Team Leader  
Compounding Team, HFD-316  
Division of New Drugs & Labeling Compliance

Thru [REDACTED] *js*  
NWE-DO

An investigation/limited inspection of this Compounding Pharmacy was conducted jointly with the Massachusetts Board of Pharmacy (MABP) per request of CDER, Division of New Drugs & Labeling Compliance, Compounding Team, HFD-316 (FACTS 536354). This investigation was mainly to obtain information about the firm's compounding practices, as they relate to the compounding of Trypan blue products.

I was accompanied on this investigation/limited inspection of the New England Compounding Center (NECC) by [REDACTED] Investigator & [REDACTED] Quality Assurance Coordinator, who are both from the MABP.

On September 23, 2004 our credentials were shown & FDA 482, Notice of Inspection, was issued to Mr. Barry Cadden, Director of Pharmacy & Owner of the New England Compounding Center (NECC). Mr. Cadden acknowledged that he is the most responsible person in the firm. I was introduced to Mr. Gregory A. Conigliaro, General Manager & Co-Owner of NECC. Mr. Conigliaro reported that he just joined the company about eight months ago & that he is a Civil Engineer by profession. He provided the following information. The corporate structure of NECC is as follows:

- President - Carla Conigliaro
- Vice President - Barry Cadden
- Treasurer - Greg Conigliaro
- Clerk - [REDACTED]

I asked Mr. Cadden if the corrective actions that were promised by him on the last EI of 2/10/03 were already implemented. Last EI of 2/10/03 was classified "OAI" with referral to Massachusetts State Board of Pharmacy. FDA 483, Inspectional Observations, was issued for: (1) inadequate documentation to verify sterile drug products dispensed meet set of standards, such as specifications or assigned shelf life; (2) no SOPS for handling complaints and failure to maintain complaint files; and (3) lack of documentation for a specific reported adverse event.

Inspection of firm's new set of procedures & related documents showed that corrective actions have been implemented.

I asked Mr. Cadden if he is compounding & dispensing Trypan Blue. He said he does. I asked him if he has anything in stock. He said no, because he just compounds the drug if he receives the prescriptions for certain patients. While showing us the "Clean Room" where compounding takes place, we had to pass through a small laboratory where some tests were being performed. I noticed a drawer that was identified as "Trypan Blue". I requested him to open the drawer. There were 189-1ml vials of Trypan Blue PF 0.1% injectable, Lot #07272004. See labeling shown as Exhibit #1. I told Mr. Cadden that Trypan Blue is not an FDA approved product & as such he should not be compounding & dispensing it. Mr. Cadden stated that he did not know that it is not an approved product. He told one of the employees in the laboratory to put the vials in quarantine which he told us will be eventually destroyed.

I told Mr. Cadden that I have to obtain some information from him as part of my assignment.

I gave Mr. Conigliaro a list of some of the questions in the assignment (#3, 4, 5, 7, 10, 11, 12, 15, 16 & 17). I did not list down the other questions in the assignment because I thought that it would be better if I ask him the questions directly.

Mr. Cadden stated that he will have to talk with his lawyer if it is okay to supply the information/answer the questions I had given him. He also stated that his lawyer is on vacation & would not be back until 9/27/04. The lawyer's name is [REDACTED] from Newton, MA.

[REDACTED] went back to the firm on 9/28/04 & met with Mr. Cadden & Mr. Conigliaro.

I asked Mr. Conigliaro if he was able to answer the questions I had listed down on our last visit. He stated that he has made some responses to the questions/information I had requested, in draft form & that he has to show their lawyer for approval before he could give it to me.

I requested Mr. Cadden for Trypan Blue labels which he provided (see Exhibit #2). A copy of the Certificate of Analysis for Trypan Blue (Exhibit #3) that came with the shipment of the Trypan Blue raw material that was in stock, Lot #C107217, was obtained. The supplier was PCCA, Houston, Texas.

The following information was obtained from Mr. Cadden when I questioned him about the one hundred eight nine (189) vials of Trypan Blue that I found in one of the drawers in the laboratory that was labeled "TYRPAN BLUE" on 9/23/04.

- He did not have to put the Trypan Blue vials in quarantine, which would eventually be destroyed as he told me on 9/23/04, after they had spoken to their lawyer.
- Their lawyer had told them that there is no regulation which states that Compounding Pharmacies cannot compound FDA non-approved drugs.
- That he dispensed Trypan Blue on 9/24, 25, 26, 27 & 28/04 as shown in log (Exhibit #4).
- That he intends to compound & dispense Trypan Blue until FDA/MABP will put in writing that they cannot compound it & dispense it and the reason why.

When I started asking Mr. Conigliaro the rest of the questions in the assignment, he became indignant & he said that he does not really have the time to sit with us & answer all those questions. He said if I could give him the list of questions, he would prepare the answers & give everything to me in one piece, after he shows it to their lawyer.

Mr. Cadden also told Mr. Conigliaro, "Don't answer anymore questions!"

Mr. Conigliaro questioned how Trypan Blue came into the picture. I told him it is part of my assignment from headquarters. Then he wanted to know specifically who issued the assignment & I gave him Kathy Anderson's name. He also started questioning FDA's jurisdiction on Compounding Pharmacies.

I told Mr. Conigliaro that FDA received a complaint re: Trypan Blue, so we have to do our investigation, because FDA has to respond to the complaint & we have to notify MABP also.

Mr. Conigliaro asked me who the complainant was & I told him I don't know. He said it's probably one of their competitors. He also said that he was sorry if he sounded mean. He explained that he had to leave early, had a lot of things to finish & just did not have the time to sit with us to answer our questions.

I wrote down the remaining list of questions in the assignment & left them with Mr. Conigliaro.

On October 1, 2004, I received a 22-page fax document from Mr. Conigliaro, which constituted his responses to the written questions I had given him. This was followed by a hardcopy (Exhibit #5) which I received on October 5, 2004. I showed these responses to [REDACTED] Ann Simoneau, CO, NWE-DO to update them about the status of the assignment & told them about the firm's attitude.

I requested [REDACTED] for a copy of a written report of what sanctions were taken by the MABP as follow-up from the EI of 2/03. [REDACTED] stated that the cases are still pending Board & as such are not releasable at that time. The assignment in regards to Trypan Blue is also pending Board & when they become releasable, he will forward them to me.

I told [REDACTED] that I am scheduled for a foreign inspection & will not be back until the fourth week of November 2004. In addition, I told [REDACTED] that I will not be available to go back to the firm until after the holidays are over because I have to write three reports for my foreign inspection. This situation & the firm's attitude were also relayed to Kathy Anderson.

On January 3, 2005, I received a copy of a letter, dated October 27, 2004 (Exhibit #6) sent by [REDACTED] from MABP to Mr. Barry Cadden. I also received a copy of Mr. Cadden's response letter to [REDACTED] dated November 8, 2004 (Exhibit #7) stating the corrective actions to be undertaken/undertaken by NECC. I showed these letters to [REDACTED] Ann Simoneau & my plan to close out the inspection.

[REDACTED] was able to obtain a log of Trypan Blue that was compounded & dispensed from January 12, 2004 to September 28, 2004 (Exhibit #8), with some prescriptions attached. These prescriptions are examples of patients in the log who were dispensed at least more than one or two vials of Trypan Blue.

On January 18, 2005, I notified [REDACTED] that we do not have to go back to NECC to close out the inspection & that I'm doing it over the phone.

On January 19, 2005, I telephoned Mr. Barry Cadden & informed him that we are closing out the inspection based on his response letter to [REDACTED] of the MABP, indicating his plan of corrective actions, which will also be forwarded to headquarters. Before our conversation ended, Mr. Cadden asked me, "Do you think headquarters knew that Trypan Blue would be approved before the assignment was issued?" I said I really don't know. Our conversation ended at this point & the inspection was ended.

**ATTACHMENT:**

Assignment from Compounding Team Leader, HFD-316  
FDA-482, Notice of Inspection

**EXHIBITS:**

- #1. Label of Trypan Blue PF 0.1% Injectable I ML vial
- #2. Labeling of Trypan Blue used for shipment
- #3. Certificate of Analysis for Trypan Blue LOT #C107217 from PCC
- #4. Log of Trypan Blue Compounded & Dispensed (9/24-28/04)
- #5. Responses to questions on assignment sent by Mr. Conigliaro, dated October 1, 2004
- #6. Letter sent by Mr. James Emery from MABP to Mr. Barry Cadden, dated October 27, 2004
- #7. Response letter sent by Mr. Barry Cadden, dated November 8, 2004, to Mr. James Emery, MABP
- #8. Log of Trypan Blue compounded & dispensed from January 12 – September 28, 2004



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cc: Ann Simoneau, Compliance Officer  
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