



AgVetLink

ISSN 1174 - 3735 ISSUE NO 3V MARCH 2005

SPECIAL ISSUE FOR VETERINARIANS

Update

Since our last special issue of AgVetLink for veterinarians, the ACVM Group has dealt with queries in several areas that concern veterinarians, e.g. the Agricultural Compounds and Veterinary Medicines (ACVM) Regulations 2001, compounding and PAR trading requirements. This issue looks more closely at some of the areas that generate the most questions.

Last year's workshops for veterinarians were well supported and helped to answer many of the questions you had raised regarding obligations under the Act.

In April we will hold a similar series of workshops throughout the country. Topics that will be discussed this time include ACVM Regulations, PAR trading, compounding and discretionary use. Specific issues to be covered are listed on page 2.

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A registration form is included with this issue. Please take advantage of this opportunity to get information and to ask questions.

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Director, ACVM Group*

AgVetLink is provided free of charge. To be added to the mailing list, send your contact details to Gill Wilson (address below). AgVetLink is also available on the ACVM website (www.nzfsa.govt.nz/acvm).

AgVetLink is produced at least six times annually by the New Zealand Food Safety Authority's Agricultural Compounds and Veterinary Medicines Group. The newsletter is of special relevance to those interested or involved in all aspects of agricultural compounds and veterinary medicines. It contains regular updates on implementation of legislation, notifications, new standards and policies, consultation, international agreements, and other information.

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Disclaimer: This publication is intended only as a guide. It is not a legal interpretation of the legislation discussed.

The ACVM Regulations – Relevance to Veterinarians

Background

Under the Miscellaneous Provisions of the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997 there is the ability for Regulations to be made to allow the importation, manufacture, sale or use of substances meeting the definition of a veterinary medicine without prior registration.

The ACVM Regulations 2001 describe the groups of veterinary medicines and agricultural compounds that are considered suitable for exemption from the requirement for registration. The product groups are included only because registration is not considered necessary for ACVM Act risks to be managed. Conversely, any product that poses a risk to animal welfare (either through some intrinsic property or inefficacy), animal product residue management or agricultural security will not be considered for exemption.

The ACVM Regulations can be viewed at the following website (Adobe Acrobat Reader required): www.nzfsa.govt.nz/acvm/legislation/2001r101-1.pdf

The document is composed of nine Regulations and seven Schedules. Schedules 1 to 4 describe the groups of veterinary medicines that are exempt. Varying conditions are applied, and these must be met for the exemption to be valid.

Schedule 1

- Includes substances that are very low risk or for which traditional regulatory risk management is impractical.
- If a code of practice specific to the exemption has been approved by the ACVM Group, it must be complied with.
- Includes products like non-medicated shampoos and *in vitro* diagnostics.

Schedule 2

- Includes products for which some specific conditions are considered necessary to manage ACVM Act risks.
- Minimum labelling requirements are specified in addition to exemption group specific conditions.

- Includes oral and topical herbal and homeopathic preparations, first aid products, human and compounded medicines used by veterinarians (see article, page 5).

Schedule 3

- The products currently in this schedule were identified as possibly having greater regulatory interest than those products in Schedules 1 and 2 when the Regulations were developed. There is a notification requirement attached to products exempted in Schedule 3 and the ACVM Group must be advised the first time the product is imported or sold in New Zealand. Experience has shown that notification is unnecessary and it is planned to delete this requirement.
- Products are required to be manufactured according to the principles of Good Manufacturing Practice. Minimum labelling requirements are specified in addition to exemption group specific conditions.
- Includes products such as non-medicated anti-diarrhoeal and laxative products, and urinary tract modifiers.

Schedule 4

- Relates entirely to oral nutritional compounds.
- Conditions cover minimum labelling requirements, 'fit for purpose' status, allowance for inclusion of pharmacological or therapeutic substances and the requirements relating to feed additives (all of which must be included on the Generally Regarded As Safe or 'GRAS' list).

Veterinarians are encouraged to familiarise themselves with the groups of products that are likely to be considered exempt from the requirement for registration. It is illegal for any person to import, sell or use an unregistered veterinary medicine if it is required to be registered.

APRIL WORKSHOPS

A series of workshops for veterinarians will be run during the first two weeks of April. Discussions will cover:

- ACVM Regulations – relevance to veterinarians, including discussion on herbals, homeopathics and ONCs
- 'Do not use' statements
- Restricted substances
- PAR traders
- Induction drugs
- Deer velvet residues
- Selenium
- PAR advertising
- Discretionary use
- Antibiotic resistance

Dates and venues on page 3.
Registration form enclosed.

Selenium

Selenium products were regarded as prescription until a review in 1993 which resulted in rules allowing most to be over the counter if not required to be prescription for other reasons.

In general this applied to **most boluses, injectable products and selenised vaccines** for sheep and cattle in the market at the time. As the change relied on licensees making an application, some products remained on the market as PAR until picked up when updating to the ACVM Act. In at least one case a product was updated with a PAR condition that should have been deleted. Because of delays in labels being reprinted there will still be some labels in the market with a PAR requirement that no longer applies.

When the ACVM Act was introduced, the status of all **oral mineral supplements** including those containing selenium changed. Previously, under the Animal Remedies Act, they were not regarded as food and had to be registered. Under the ACVM Act they are exempt as oral nutritional compounds provided conditions are met and therapeutic claims are not made. Some oral selenium products remained registered because they make claims to treat clinical disease directly in the same way that calcium products making claims to treat milk fever are registered.

Dose rates

There were rules in place providing for maximum dose rates for over the counter products. However, the current regulations do not specifically state maximum acceptable levels. The old limits are still used as a guide as to whether a dose rate is acceptable on an exempt product available for general sale.

There has been a tendency for label selenium dose rates to be as high as possible without exceeding the limits, which were based on the risk of toxicity and not on the levels actually required. We are reminding companies producing selenium products of their obligations and the need to keep dose rates consistent with good practice so that the opportunity for toxicity to occur is not unnecessarily increased.

Adverse events

In setting up the 'exemptions from registration' process, it was recognised that reports of adverse events are needed to provide ongoing assurance the risks are being managed as required. It is important that adverse event reports are submitted where toxicity does occur, not just with selenium but with other toxic compounds (such as copper) used as nutritional supplements. These reports have a valuable role to play in making sure that the management of exempt products is adequate, just as they do for products that are registered.

WORKSHOPS 3 - 15 April 2005

LOCATION	DATE
Whangarei Kingsgate Whangarei 9 Riverside Drive, Whangarei	3rd April
Auckland Waipuna Hotel & Conference Centre 58 Waipuna Rd, Mt Wellington, Auckland	4th April
Hamilton Skycity Hamilton 346 Victoria Street, Hamilton	5th April
New Plymouth Grand Central Hotel 42 Powderham Street, New Plymouth	6th April
Palmerston North The Rydges Hotel 140 Fitzherbert Ave, Palmerston North	7th April
Nelson Rutherford Hotel, Trafalgar Square, Nelson	11th April
Christchurch The Rydges, Corner Oxford Tce and Worcester St, Christchurch	12th April
Dunedin AgResearch Invermay Agricultural Centre	13th April
Gore Scenic Circle Croydon Hotel Main Queenstown Highway, Gore	14th April
Wellington West Plaza Hotel, Wakefield Street, Wellington	15th April

sessions from 9.30 - 4.30

SEE PAGE 2 FOR TOPICS
REGISTRATION FORM ENCLOSED

Balancing Act – Adverse Effects vs Benefits to the Animal

The ACVM Group recognises that there are circumstances in which either there is no registered product available for a particular purpose or there is a product that is not registered that is more appropriate than the registered products that are available. Veterinarians are given the opportunity to use their discretion in such circumstances and use a human medicine or a medicinal preparation specially compounded for that purpose (see article on page 5).

Balance

Veterinarians must recognise their particular responsibility to consider the balance that must be struck between the potential adverse effects from the use of the preparation and the benefits

to the animal that would be expected from that use. An extreme example would be in balancing the toxic effects of an anti-cancer treatment with the advantages to the animal in controlling or causing remission in the cancer being targeted.

This type of balance has already been struck by the ACVM Group for products that are registered. However, the balance has not been considered in regard to human medicines and specially compounded preparations. The prescribing veterinarian must carry out that evaluation before deciding to use a product in a discretionary manner.

Welfare of animal

The balance is relatively easy to strike

in cases where the potential adverse effects and the benefits to the animal are obvious. Where this is not the case, veterinarians must be cautious and have the welfare of the animal uppermost in mind.

Benefit to owner, not animal

Some preparations are used to increase animal production or performance, or to facilitate farm management efficiencies. They may have minimal or no direct benefit to the health and welfare of the animal. They benefit the owner of the animal, not the animal. If this is the case, the veterinarian must assess adverse effects from the product as negligible before discretionary use can be justified. Veterinarians should not use potential increases in production, performance or efficiency to justify discretionary use.

The Ins and Outs of Decanting and Breaking Down Product

On many occasions veterinarians need to place quantities of a registered veterinary medicine into an intermediary container before use.

Intermediary vessels

Most veterinary medicines are presented in a way that requires an intermediary vessel to be used, e.g. an injectable antibiotic preparation. Others are packaged in a manner that facilitates product use directly but also allows intermediary vessels to be used, e.g. anthelmintics.

Veterinarians are advised that, during the registration process (when necessary), the ACVM Group considers the effect that repeated

broachings may have on the integrity of the product remaining in the approved bottle. However, no assessment is conducted with respect to the suitability of any intermediary vessel used to receive the removed product unless this is specifically referred to on the label.

Product integrity

On every occasion of product transfer veterinarians are expected to ensure that the circumstances surrounding the transfer are appropriate to maintain product integrity and not compromise animal welfare. Issues to consider include:

- the suitability of the chosen recipient container with respect to the

properties of the product (e.g. material, permeability to air or light)

- the time frame in which decanted product should be used
- the transfer of relevant labelling information occurs.

Standard

This inferred requirement is not obvious from the current approvals issued for veterinary medicines. It is the intention of the ACVM Group to develop a separate condition relating to the expectations surrounding product decanting and breakdown. A standard will also be developed to provide further guidance with respect to this activity. In the meantime your reasonable care and professional training should guide your actions.

COMPOUNDING

Under Schedule 2 of the ACVM Regulations 2001 preparations compounded and used by veterinarians are exempted from the requirement for registration, provided certain conditions are met.

The ACVM Group is working with representatives from the pharmaceutical and pharmacy industries and the veterinary profession to develop minimum standards for compounding veterinary medicines. These standards will include a definition of compounding that will make it clear what activities are considered 'compounding'. In the meantime, the ACVM Group has a working policy in regard to compounding.

Working policy

Compounding means the preparation by (or under the compounding order from) a veterinarian of veterinary medicines from generic active ingredients and excipients or other trade name products for use on a particular animal(s) under the care of that veterinarian. The resulting preparations do not have the characteristics (formulation, packaging, and labelling as proprietary products) that allow them to be registered and marketed as trade name products. They are not prepared in large quantities in anticipation of future cases.

Compounding includes the reformulation of a trade name product(s) for a particular purpose (e.g. formulating an injectable preparation from an oral product) or combining more than one product into a composite preparation.

Compounding does not include the practice of combining more than one product in a syringe for a single administration even though that activity poses compatibility questions that must be addressed by the veterinarian.

Criteria to remember

The important matters to keep in mind are:

- **The animal(s) must be under the care of the veterinarian.**
- **The conditions of discretionary use of an unregistered veterinary medicine must be met.**
- **The formulation and preparation must be carried out by the veterinarian or under specific instructions (compounding order) from the veterinarian.**
- **No more should be prepared than is necessary for the case(s) at hand or immediately anticipated.**
- **Minimum labelling requirements must be met.**
- **The preparation must not be supplied to, offered for sale or advertised/promoted to the general public.**

Breach of conditions

Compounding veterinarians are reminded that the following circumstances are likely to breach the conditions of the exemption from registration and result in the requirement for the compounded product to be registered:

1. Selling the compounded preparation for the treatment of animals not under your direct care (unless the product is exempted elsewhere in the ACVM Regulations), e.g. placing compounded preparations in the clinic for sale as OTC products.
2. Selling the compounded preparation to another veterinarian for treatment of animals that are not under your direct care unless the purchasing veterinarian has specifically requested that you compound the product on his/her behalf. In this case he/she is the compounding veterinarian and must have full knowledge of the product being compounded.

Compounding Organisations

It has come to the attention of the ACVM Group that veterinarians are being approached directly by compounding pharmacies that are offering to sell pre-formulated veterinary medicines that are not registered. Compounding pharmacies are legally able to offer their services, but they are not legally allowed to advertise any product for use in animals that meets the definition of a veterinary medicine requiring registration under the ACVM Act.

Examples of advertising that is considered unacceptable include:

- offering ready-made formulations (e.g. capsulated active ingredient)
- offering 'products to replace human or veterinary preparations that are no longer available'
- providing price lists detailing already formulated products.

Veterinarians purchasing these products are not fulfilling the criteria for meeting the intent of the compounding exemption and therefore are buying unregistered veterinary medicines.

REMINDER: It is an offence under the ACVM Act to knowingly sell or use any unregistered veterinary medicine if registration is required.

'DO NOT USE' Statements

The utilisation of 'Do not use' statements on veterinary medicine labels has had a chequered past in New Zealand. Most of the time, the statement was used because there was a lack of information to support that the use was acceptable from an animal welfare and/or residue perspective, not because a prohibition of use was found to be necessary.

The ACVM Group has made a determined move away from the inappropriate utilisation of 'Do not use' statements under the risk-based requirements of the ACVM Act. Disallowing a use on the basis of insufficient information to enable formal approval of a claim is considered contrary to the principles of risk management. Rather, the opportunity is provided for any veterinarian to use a veterinary medicine in a discretionary manner providing he/she conducts the necessary and appropriate analysis to ensure all ACVM Act risks resulting from the use are managed.

However, others do not share the ACVM Group's philosophy. In consequence, 'Do not use' statements

appear on the labels of veterinary medicines registered in New Zealand for a variety of reasons, for example:

1. Other regulatory agencies have requested inclusion of the statement.
2. The product registrant wishes the statement included (often for liability reasons).
3. There is an established reason for the warning.
4. The statement was on old labels and has never been removed.

It has not always been possible to tell why the statement is on the label.

New approach

As products have been updated to the provisions of the ACVM Act, all 'Do not use' statements that were employed in the absence of residue data have been replaced by withholding periods (default, allocated or assessed) or more helpful wording.

Registrants who have insisted on retaining 'Do not use' statements have been required to include justification for the warning somewhere on the product label. If a prohibition on use is considered necessary by the ACVM

Group to manage the risks under the ACVM Act, it will be prefixed by words to the effect of 'It is a legal requirement that...' (e.g. EU banned substances).

Warnings considered reflective of good practice (e.g. appropriate use of NSAIDs) are unlikely to be prefixed, but sufficient information will be included to provide users with the ability to conduct the necessary risk-benefit evaluation.

Australian requirements

Unfortunately, statements required by the APVMA that are included on harmonised labelling are unable to be changed, specified as applying to Australia only or placed in context because of Australian requirements. For example, the APVMA Labelling Code requires that products registered for use in companion animals only carry the label statement 'DO NOT USE in food-producing species'. This statement does not necessarily apply in New Zealand.

If a product label contains any prohibition that requires clarification, veterinarians are encouraged to contact the registrant or the ACVM Group.

Tuberculin Registration Conditions

Historically, tuberculin products were managed as PAR 1. On updating to the ACVM Act it was recognised that this condition restricted use of the product by persons otherwise authorised to use it under section 103 of the Biosecurity Act 1993. The conditions of registration do not need to impose requirements additional to the use allowed under the Pest Management Strategy approved for tuberculosis.

The condition now placed on these products preserves the requirements of PAR products and the need for approved traders but specifically allows persons approved under the Biosecurity Act to purchase and use the products for the purposes of performing allocated cattle and deer tests.

Tuberculin Specific Condition

- The product must be sold only by an approved trader.
- The product must be sold only to an approved trader, or to any person with a veterinary prescription or authorisation, or to persons approved under section 103 of the Biosecurity Act 1993.
- The product must be administered to an animal only by a veterinarian, or under and in accordance with the authority or prescription of a veterinarian, or by persons approved under section 103 of the Biosecurity Act 1993 when applying cattle and deer tuberculin tests.

Approved PAR Trader Update

Last year the ACVM Group initiated the Approved PAR Trader Program. Initial efforts have been focussed on gathering the details of all parties, both veterinary and non-veterinary, involved in the sale of PAR veterinary medicines.

Trading entities

All veterinarians are considered to be approved PAR traders by virtue of their New Zealand veterinary registration. However, the ACVM Group still requires notification of all 'Trading entities' actively engaged in selling PAR products to the public. It was assumed that the majority of such entities would take the form of veterinary clinics. On this basis, letters were sent to clinics known to the Veterinary Council of New

Zealand asking them to nominate the person(s) in the practice who would be responsible for overseeing the PAR product management and sale systems.

Non-veterinarians

It would appear that the majority of veterinary clinics responded and have nominated one of the veterinarians as the responsible person. Some clinics have forwarded the names of several people, including non-veterinarians. You are reminded that non-veterinarians will be approved as responsible persons only following a 'fit and proper person' assessment.

Next steps

The ACVM Group is currently

developing the next steps in the Approved PAR Trader Program. For veterinarians this is likely to involve random auditing of clinic processes and documentary management against the trading requirements detailed in the *ACVM Standard for Prescription Animal Remedy Veterinary Medicines* (available on the ACVM website under Regulatory Standards).

Information

For further information regarding the Approved PAR Trader Program, consult the September 2004 special *AgVetLink* issue for PAR traders and the 'Approved Traders of PAR Products' section of the ACVM website.

Restricted Substances

Substances that have been banned for use in food-producing species may not be used at any time during the life of an animal from which any product may be taken and exported from New Zealand for human consumption (currently all food-producing animals except chickens and pigs, which are not exported).

The ACVM Group's Vet Quick Search site contains a link to the register of restricted substances, which is located at www.nzfsa.govt.nz/acvm/subject/vet/prohibited.htm.

The product **Imflamol Gel A4600** was originally licensed in New Zealand with nitrofurazone included at 2 g/L. This product was reformulated with the nitrofurazone omitted in late 2002 to comply with the prohibited substances restrictions. It has been brought to our attention that old stocks of this product may still be in use. Please ensure that all tubes of Imflamol Gel within veterinary clinics and in use by food-producing animal clients do not contain nitrofurazone.

Prohibition statement

You are also advised to ensure that products containing restricted substances are not prescribed off-label for use in food-producing animals. All products that contain restricted substances that may be practically used in food-producing animals are now required to include a statement prohibiting their use in any food-producing animal.

However, it is likely that old labels lacking the statement will still be in the marketplace during the phase-in period of ACVM Act labelling. During this period, the absence of this prohibition statement on the label should not be relied upon as the sole indicator of the product's restricted status.

Advertising and Promoting PARs

After further discussion with interested and affected parties, the ACVM Group has amended its standard for prescription animal remedies in regard to advertising and promoting such products to end users.

Veterinarians who retail veterinary medicines should note that the comments below about approved traders apply to them as well as to any other trader who has been approved. The ACVM Group has deemed all registered veterinarians to be approved but is expecting those who fill prescriptions from other veterinarians to make themselves known to the ACVM Group.

Advertisement and promotion

Advertisement means any publication to the community or to any section of the community of any words, whether written, printed, spoken, or in any electronic form, or of any pictorial representation or design or device *used to promote the sale of any agricultural compound*; and 'to advertise' has a corresponding meaning (ref: section 2 ACVM Act). Advertising does not include general information transfer or disease state awareness.

Promotion means to encourage the sale of an agricultural compound or veterinary medicine trade name product by any means, including advertising.

Direct toward veterinarians

Advertising or promotion activities (i.e.

activities that encourage the sale of a particular trade name product) for PAR veterinary medicines should be directed toward veterinarians who can legitimately prescribe the products. Advertisers should provide accurate and technically supportable information about the products to allow prescribing veterinarians to make informed judgements regarding their use.

Approved traders

An approved trader may advertise the types of PAR veterinary medicines they stock. PAR products must not be displayed in public view, prompting the interest of purchasers.

Technical information

It is appropriate for traders to provide technical information on products and to foster awareness and understanding of disease conditions or health and production management options. (Such information transfer is not considered advertising in this context.)

In doing this it is reasonable to identify themselves with the information and to inform that they market a product or products that could be used to treat a particular disease condition or contribute to the management of health or production.

Role of veterinarian

A trader may advertise or promote (including offering purchasing incentives) PAR products to end users

where advertising or promotion is not likely to jeopardise the risk management role of the prescribing veterinarian. For example, advertising would be acceptable if the veterinarian's risk management involvement is in relation to *how* or *when* a PAR product should be used (e.g. oestrus synchrony products) rather than deciding *if* a particular product should be used (e.g. disease treatment products).

In all cases, the person must emphasise that end users should discuss treatment options with their veterinarian. This distinction will require discretionary judgement from the person based on the type of product. If in doubt, the ACVM Group will offer its opinion.

Prohibition

For trade name PAR products that must not be advertised to end users (e.g. antibiotic products and anabolic steroids), the ACVM Group will expressly state that prohibition in a condition on the registration.

This means that there is no discretionary judgement to be made. The products must not be advertised or promoted, and no purchase incentives may be offered.

ACVM Group request for help

If you note practices that appear to be contrary to the above policy or that place undue pressure on your discretionary judgement about the appropriate use of a particular PAR veterinary medicine, please contact the ACVM Group.

INDUCTION DRUGS

The review of the long-acting dexamethasone drugs will result in the removal of non-therapeutic induction claims from labels. A code of practice proposed by NZVA and Dairy Insight is in the final stages of approval under the ACVM Act. This code provides an opportunity for off-label induction of dairy cows for management purposes to continue and essentially makes current best practice a requirement.