

§ 82.1710 D&C Yellow No. 10.

The color additive D&C Yellow No. 10 shall conform in identity and specifications to the requirements of § 74.1710(a)(1) and (b) of this chapter.

[48 FR 39220, Aug. 30, 1983]

Subpart D—Externally Applied Drugs and Cosmetics

§ 82.2050 General.

A batch of a straight color listed in this subpart may be certified, in accordance with the provisions of this part, for use in externally applied drugs and cosmetics, if such batch conforms to the requirements of § 82.5 and to the specifications set forth in this subpart for such color.

§ 82.2051 Lakes (Ext. D&C).

(a)(1) *General.* Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, calcium carbonate, or on any combination of two or more of these (i) one of the straight colors hereinbefore listed in this subpart, which color is a salt in which is combined the basic radical sodium, potassium, barium, or calcium; or (ii) a salt prepared from one of the straight colors hereinbefore listed in this subpart by combining such color with the basic radical sodium, potassium, aluminum, barium, calcium, strontium, or zirconium.

(2) *Specifications.*

Ether extracts, not more than 0.5 percent.
Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.
Intermediates, not more than 0.2 percent.

(b) Each lake made as prescribed in paragraph (a) of this section shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

- (1) The listed name of the color from which the lake is prepared;
- (2) The name of the basic radical combined in such color; and
- (3) The word "Lake." (For example, the name of a lake prepared by extending the color Ext. D&C Yellow No. 2 upon a substratum is "Ext. D&C Yellow No. 2—Calcium Lake," and a lake

prepared by extending the barium salt prepared from Ext. D&C Red No. 2 upon the substratum is "Ext. D&C Red No. 2—Barium Lake.")

§ 82.2707a Ext. D&C Yellow No. 7.

The color additive Ext. D&C Yellow No. 7 shall conform in identity with specifications to the requirements of § 74.1707a(a)(1) and (b) of this chapter. Ext. D&C Yellow No. 7 is restricted to use in externally applied drugs and cosmetics.

PARTS 83–98 [RESERVED]

PART 99—DISSEMINATION OF INFORMATION ON UNAPPROVED/NEW USES FOR MARKETED DRUGS, BIOLOGICS, AND DEVICES

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99.501 Recordkeeping and reports.

AUTHORITY: 21 U.S.C. 321, 331, 351, 352, 355, 360, 360c, 360e, 360aa–360aaa–6, 371, and 374; 42 U.S.C. 262.

SOURCE: 63 FR 64581, Nov. 20, 1998, unless otherwise noted.

Subpart A—General Information

§ 99.1 Scope.

(a) This part applies to the dissemination of information on human drugs, including biologics, and devices where the information to be disseminated:

(1) Concerns the safety, effectiveness, or benefit of a use that is not included in the approved labeling for a drug or device approved by the Food and Drug Administration for marketing or in the statement of intended use for a device cleared by the Food and Drug Administration for marketing; and

(2) Will be disseminated to a health care practitioner, pharmacy benefit manager, health insurance issuer, group health plan, or Federal or State Government agency.

(b) This part does not apply to a manufacturer's dissemination of information that responds to a health care practitioner's unsolicited request.

§ 99.3 Definitions.

(a) *Agency* or *FDA* means the Food and Drug Administration.

(b) For purposes of this part, a *clinical investigation* is an investigation in humans that tests a specific clinical hypothesis.

(c) *Group health plan* means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1))) to the extent that the plan provides medical care (as defined in paragraphs (c)(1) through (c)(3) of this section and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise. For purposes of this part, the term *medical care* means:

(1) Amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;

(2) Amounts paid for transportation primarily for and essential to medical care referred to in paragraph (c)(1) of this section; and

(3) Amounts paid for insurance covering medical care referred to in paragraphs (c)(1) and (c)(2) of this section.

(d) *Health care practitioner* means a physician or other individual who is a health care provider and licensed under State law to prescribe drugs or devices.

(e) *Health insurance issuer* means an insurance company, insurance service, or insurance organization (including a health maintenance organization, as defined in paragraph (e)(2) of this section) which is licensed to engage in the business of insurance in a State and which is subject to State law which regulates insurance (within the meaning of section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2))).

(1) Such term does not include a group health plan.

(2) For purposes of this part, the term *health maintenance organization* means:

(i) A Federally qualified health maintenance organization (as defined in section 1301(a) of the Public Health Service Act (42 U.S.C. 300e(a)));

(ii) An organization recognized under State law as a health maintenance organization; or

(iii) A similar organization regulated under State law for solvency in the same manner and to the same extent as such a health maintenance organization.

(f) *Manufacturer* means a person who manufactures a drug or device or who is licensed by such person to distribute or market the drug or device. For purposes of this part, the term may also include the sponsor of the approved, licensed, or cleared drug or device.

(g) *New use* means a use that is not included in the approved labeling of an approved drug or device, or a use that is not included in the statement of intended use for a cleared device.