

Translating for the Pharmaceutical Industry The Advertising Experience¹

Author: Rafaela Mena, RPh, MA

Rafaela Mena is the director of the Drug Information Center of the School of Pharmacy, University of Puerto Rico (UPR) and is also a freelance medical translator. She graduated from the School of Pharmacy, UPR, in 1975 and from the Graduate Program in Translation, UPR, in 2000. Presently, she is a faculty member of the Food and Drug Administration/University of Puerto Rico joint venture for training the pharmaceutical manufacturing industry in current Good Manufacturing Practices. She also writes for the Puerto Rico Pharmacists Association quarterly publication and translates for the pharmacy journal *The Annals of Pharmacotherapy*.

E-mail: armonia@coqui.net

Date: June, 2004

Source: The Chronicle

¹Presentation delivered at the ATA Seminar: Translating for the Pharmaceutical Industry, January 24, 2004, San Juan, Puerto Rico.

Puerto Rico is a leader in the pharmaceutical manufacturing business in the United States. According to information published on the Puerto Rico Pharmaceutical Industry Association website, there are 19 corporations organized into 37 manufacturing operations, 17 commercial entities, and 6 corporate offices. The pharmaceutical industry generates 30,000 direct jobs, that is, over 25% of Puerto Rico's work force, approximately 120,000 jobs. Additionally, this industry provides a major market for other industries, such as small business and professional organizations that provide a broad range of goods and services in areas such as manufacturing components, food services, engineering, medical and legal services, banking services, insurance, transportation, communication, tourism and others. This related business generates approximately 90,000 additional jobs in Puerto Rico. In 2002, the pharmaceutical industry represented 25% of the Gross Domestic Product of Puerto Rico, which is equivalent to 66% of its exports or \$32 billion dollars. The impact of the pharmaceutical industry on the local economy is also evident through

its payroll. Currently, the average wage among production workers is among the highest paid in Puerto Rico. In Puerto Rico, these companies produce both intermediate products, which are sent to other sites for final processing, and finished products, which go directly to consumers.

This presentation will cover three topics: 1) the importance for the professional translator of enhancing his/her awareness of the regulations stipulated by the Food and Drug Administration (FDA) for the pharmaceutical industry; 2) the practical implications of these regulations for the translator; and 3) the Review Process, its importance in the marketing of pharmaceutical products, and what translators should know of this process.

The main point the translator should acquire from this presentation is that the pharmaceutical industry is highly regulated by the government of the United States. Not one step is taken that is not being carefully observed by the Federal government. As a US territory, Puerto Rico is also governed by these rules.

What Federal agency regulates the pharmaceutical industry in the US? As with other countries, the pharmaceutical industry is regulated by a government agency. In our case, the Food and Drug Administration is that government agency. The main objective of the FDA is to regulate human drugs (prescription, over-the-counter, generics, etc.), animal feed and drugs, biological products (vaccines, blood products, etc.), medical devices (pacemakers, contact lenses, hearing aids, etc.), foods (food-borne illness, nutrition, dietary supplements, etc.), cosmetics (safety, labeling, etc.), and radiation-emitting products (cell phones, lasers, microwaves, etc.).

Its purpose is to promote and protect the public health of the US consumer by helping safe and effective products reach the market in a timely way and to monitor products for continued safety after they are in use.

The FDA was created in 1906. At that time, it did not prohibit false therapeutic claims, but only watched that statements were not false or misleading. It also did not limit the content of narcotic and other addictive drugs, like cocaine nor marijuana, nor did it get very involved in record keeping by physicians and pharmacists. In 1937, an event took place in which a drug product containing a solvent killed 107 people, including children. That event prompted a review of the old, obsolete law to include drug safety before marketing.

In 1938, Congress passed the Federal Food, Drug, and Cosmetic Act, found in Title 21 of the Code of Federal Regulations

(CFR), which contained new provisions. Among these were the following: assuring safety before marketing, controlling cosmetics and therapeutic devices, and setting safe tolerances for poisonous substances that were unavoidable in medicines. The new provisions started a new system of drug regulation, and factory inspections began to take place. From this point on, substantial changes have taken place and the law is being amended continuously to ensure the safety and efficacy of drugs for human and veterinary use.

The pharmaceutical industry in the US and its territories must comply with FDA's regulations, regarding the initiation of investigational new drug processes, when carrying out a manufacturing process by demonstrating compliance with current Good Manufacturing Practices (cGMP), or when launching a product for the consumer market.

When an industry does not comply with the Federal regulations, the consequences are many and sometimes quite serious. Briefly, during an inspection of a plant or facility, such as a hospital or research center, or even a place where drug promotion is taking place, such as a seminar or conference, if an FDA inspector becomes aware of a noncompliance, one or more actions may result, depending on the violation. These may go from a simple recommendation, called an observation, by means of a written communication, to a very serious action like the complete closure of operations or the disqualification of a research process that may be taking place, or even of the researcher in question.

A common action is an inspectional observation (known as a Form 483), in which the inspector documents deviations from the manufacturing procedures or the drug-marketing norms that he/she understands are not being carried out in strict accordance with cGMP's or with the pertinent regulations. Then suggestions are made in writing to the manufacturer, calling for a more careful procedure, and in a future visit, the corrective actions are expected to have been taken.

The degree of seriousness increases with the number of observations the inspector makes. The more serious observations result in a warning letter, a notice of violation, or a cyber letter, which is a notification of violations that is posted on the Internet. One very serious action is a Consent Decree, which is a court order that usually implies closure of the facilities until the demands of the FDA have been satisfied. In such circumstances, the FDA usually keeps an inspector or a representative group at the plant to observe the manufacturing procedures. Also, there may be an Internet posting on the action taken by the FDA with regard to a specific industry, so shareholders, government agencies, and other interested parties will know of the action and should consider it when awarding contracts.

In general, the practical implications for the industry of not complying with the FDA's regulations may be serious, and in the worst case scenario, it could signify reduced productivity, the closing of facilities, loss of huge sums of money, a reduction in the sale of stocks, fines

that may range in the millions of dollars, and, of course, the consequences of a loss of image among peer companies and government agencies that contract with the industry.

Why does the pharmaceutical industry need translators? From a practical point of view, a translation that is not well done may be one of the causes of such noncompliance actions as those mentioned above. Title 21 of the Code of Federal Regulations of the FDA Act, states that all documentation submitted to this agency has to be in English, since English is the official language of the agency.

In Puerto Rico, where the main language spoken by the population is Spanish, the pharmaceutical industry needs translators for its three main areas of performance: research, manufacturing, and marketing.

Generally speaking, for a manufacturing company to carry out an investigational process, it must first submit an Investigational New Drug application or IND. Researchers must then comply with Title 21 CFR Part 312, which delineates the IND process. Specifically, Part 312 Section 50.20 requires that information provided to study subjects or their representatives be in "language understandable to the study subject or to the representative of the subject." As an example, a warning letter posted on the FDA's website details how, during an FDA inspection, an Investigation Review Board (IRB) investigator was the recipient of an "observation," because the agency found that the consent forms used in the

study were provided in English, while two of the study subjects' parents, who were their legal representatives, spoke a foreign language. In this case, the consent forms required translation into a language understandable to the study subject representative, in compliance with the regulation. In a letter sent to the investigators, the agency concluded that informed consents may have not been provided in a fashion that would be to the benefit of the subjects' safety. The work of a qualified translator is crucial for the sponsoring company to comply with the regulation. Additional inconsistencies found may lead to the disqualification of the investigator and the consequences that follow for the sponsoring company.

In the area of manufacturing, the pharmaceutical industry needs translators to comply with Section 211.25, which states that "each person engaged in the manufacture, processing, packaging, or holding of a drug product shall have education, training, and experience, or a combination thereof to enable a person to perform the assigned functions." Thus, training manuals and SOP's (standard operating procedures) are submitted to the FDA in English, but cannot be used to train non-English speaking personnel. In this case, the manufacturer needs a qualified translator to translate these manuals into the language of the people being trained. Most often, the FDA will not see the translated material, but the effect will be demonstrated by well-trained and efficient personnel, so a well-trained staff means the company will not receive an observation or a warning letter from the FDA.

Up to this point, we have seen that the pharmaceutical industry needs translators and that these professionals need to be competent in the field and knowledgeable about the regulations imposed by the Federal Agency.

Now we will focus on the third main area of the pharmaceutical industry: marketing. One of the purposes of the marketing division of the pharmaceutical industry is to reach the consumer directly. Every day we are bombarded with TV advertisements, health sections in the news media sponsored by pharmaceutical companies, huge billboards along the roads, to mention only a few from a long list of advertising media. In the effort to reach this goal, there is the possibility that harm may be done to the consumer through the side effects of drugs.

The FDA has an instrument for watching out for the safety of consumers, which is its Division of Drug Marketing, Advertising, and Communication (DDMAC). DDMAC makes sure that marketing is truthful, balanced, and accurately communicated, and that it is not false or misleading. The DDMAC develops guidelines for the industry to follow on prescription drug advertising and promotional labeling issues. In addition, the division holds meetings with the regulated industry and other involved parties to discuss emerging issues, such as broadcast, direct-to-consumer, and Internet advertising, as well as the use of cost effectiveness and quality of life claims in marketing. All promotional material that goes to the consumer must first pass through the DDMAC Review Process.

One way of watching out for the safety of the consumer is by evaluating the promotional or labeling material provided to consumers. If promotional material or labeling is handed out to consumers in a language other than English, both the English and the foreign language texts have to be submitted to DDMAC for approval. This information must be translated by competent translators and approved by the DDMAC staff.

Another type of information provided to the consumer is Medication Guides, which are documents also checked and approved by DDMAC, in compliance with Part 208 of the act. This part sets forth requirements for patient labeling for human prescription drug products, including biological products that the FDA determines pose a serious and significant public health concern that requires the distribution of FDA-approved patient information. This regulation states that Medication Guides shall be written in English, in nontechnical, understandable language, and shall not be promotional in tone or content.

Translators need to understand that the "labeling" of a product is distinct from what is commonly known as the "label." The FDA has defined both terms and made distinctions between them. Usually, the "label" is considered to be the information attached to a product, that is, to the medication bottle, tube, or box. Whereas, according to the FDA's definition, as set out in Section 201(m) of the act,

Labeling means: "all brochures, booklets, mailing pieces, detailing pieces, file cards, bulletins, calendars, price lists, catalogs, letters, motion

picture films, film strips, lantern slides, sound recordings, exhibits, literature, and reprints and similar pieces of printed, audio or visual matter descriptive of a drug and references published (for example, the Physician's Desk Reference) for use by medical practitioners, pharmacists, or nurses, containing drug information supplied by the manufacturer, the packer, or distributor of the drug and which are disseminated by or on behalf of its manufacturer, packer, or distributor."

All these are determined to be labeling. The act makes exceptions for reminder advertisements, such as promotional material in the form of T-shirts, pens, mugs, etc.; so promotional material is also considered labeling. Thus, all promotional material must undergo the DDMAC review.

The DDMAC review process (see flowchart below) may be initiated in three ways:

1. The applicant submits the advertising material or information to be reviewed, which may be a translated document, whether to launch an advertising campaign for a drug product or to add new promotional material to an existing campaign.
2. A complaint from a consumer, the industry, a health professional, or other private or public entities or groups.
3. Continuous surveillance from the DDMAC.

The process begins and the DDMAC reviewer decides if he/she needs a consultation or not. If a consultation is needed, the reviewer assigned to the review process contacts different specialists within DDMAC. These

may include a direct-to-consumer specialist, if assurance is needed of consistency of consumer information and professional information, published in popular magazines that reach a broad audience and professional journals. Or if the reviewer is concerned with pharmacoeconomic issues, he/she may contact a DDMAC epidemiologist. Or if it is a medical or statistical consultation, specialists from both of these fields will be consulted.

A historical review file is opened, or an existing historical review file is checked. In the historical review, there is documentation on the product and other products of the same therapeutic class. If the reviewer finds that the information is clear and acceptable according to the regulations, he/she sends a Launch Letter to the applicant as approval of the application. If not, a Non-Launch Letter is sent, and the review process ends. If the reviewer feels it is necessary, he/she may request further information from the applicant.

There is also a continuous surveillance process, in which DDMAC's staff attends medical professional conferences to observe company exhibition booths and to collect promotional materials for review. In continuous surveillance, "enforcement rounds" are carried out on a weekly basis to discuss regulatory concerns, complaints, enforcement options, and status of actions regarding advertising under review in the division. If during this process, non-compliance with the regulations is observed, certain actions may be taken by the division in

the form of Untitled Letters, which address promotion violations that are less serious than those addressed in "warning letters." In these letters, DDMAC usually requests that a company take specific action to come into compliance within a certain amount of time, usually ten working days. In this case, "warning letters" address promotional pieces or practices that are in violation of the law. The company is granted 15 working days to respond and take action. The letter is displayed as required by the Freedom of Information Act. Other possible enforcement actions include recalls, seizures, injunctions, administrative detention, and criminal prosecution.

The interests of the pharmaceutical industry in translating promotional material are many. Among them is localization of promotional material for a target population. As we all know, advertising influences consumers' medication use patterns, and will ultimately change the prescription patterns of physicians who want their client-patients to be happy and to come back to the office for care. In this way, translators are useful in getting the message through to special groups within a community. This is true of countries like Puerto Rico, and other Spanish-speaking communities in the US.

Translating promotional material for special groups also gives the idea that the company is involved in providing a public health service. By offering talks on how to care for depression, diabetes, and other illnesses, companies make a good impression on consumers, and they bring physicians closer to consumers.

Translation helps companies achieve their financial and business goals.

There are some basic considerations that have to be kept in mind when translating for this business. When using terminology, FDA's regulations should be checked, since these are very specific for each area being considered, be it research, manufacturing, or marketing. Due to this, ambiguity should be avoided at all costs, and clarity of terminology should always be verified.

The translator should also know that Section 201.16 of the act is very specific to Puerto Rico and US territories where the main language is not English. This section states that there is an accepted translation for a legend present on all medications requiring a prescription from a qualified physician:

Caution: Federal law prohibits dispensing without prescription.

Its official equivalent is:

Precaución: La Ley Federal prohíbe su despacho sin prescripción facultativa.

The same section of the act has adopted the following translation:

Warning – May be habit forming.
Its official equivalent is:

Aviso – puede formar hábito o vicio.
In Section 201.19 of the act, special reference is made to the use of the term "infant." Manufacturers should qualify any use of the word "infant," indicating

whether it refers to a child who is not more than one year of age or a child not more than 2 years of age. The act states that the term "infant," by definition, is a child not more than 12 months old.

In general, it is clear that for a translator to be competent in this field, he/she must have the necessary technical knowledge. There are many software programs, as well as the Internet, that are useful technological tools within our reach. Also, competent translators must use language that is accurate and precise, and they must be careful to follow the format of the original text, in accordance with the regulations of the FDA. This is especially true when translating Product Information (PI) and certain other documents specified in the regulations. It is very important to have specialized knowledge in the pharmaceutical field due to the fact that it is extremely technical. The target audience should always be kept in mind, be it patients, consumers, subjects participating in clinical studies, clinicians, or any other. And last, the translator should pay particular attention to register. An example of failure to do this is using medical terminology when the original text uses an easily understood lay term. When dealing with the names of diseases, as well as the signs and symptoms of disease, this is particularly important.

My recommendations for the translator working for the pharmaceutical industry are these:

1. Know which FDA regulations are applicable to the specific area you are dealing with.

2. Keep in mind the serious implications that a badly done translation may have for the client.
3. Try to stay as close to the original as much as possible in regard to word order, font size, clear meaning, etc.
4. Know where to look up information that is crucial. The correct information is available. The Freedom of Information Act has made information available to all.
5. Call the client if the information is not accessible.

The Freedom of Information Act has made government information readily accessible on the Internet. All government agencies have a website, and many provide information in Spanish for the benefit of the Spanish-speaking communities in the US and for the benefit, in our case, of hard-working competent translators.

Some Web Sites with Spanish Language Medical Information

- † FDA – Consumer Information <http://www.fda.gov/oc/spanish/>
- † US Government information and services <http://www.firstgov.gov/Espanol/index.shtml>
- † Center for Disease Control and Prevention <http://www.cdc.gov>
- † National Institutes of Health <http://salud.nih.gov/>
- † National Library of Medicine <http://medlineplus.gov/esp/>

THE DDMAC REVIEW PROCESS

