Health & Population Department
PROVINCIAL QUALITY CONTROL BOARD, PUNJAB.

286 Meeting of PQCB

Date: 30-10-2024

Time: 11:00 AM

Venue

COMMITTEE ROOM OF DIRECTORATE GENERAL HEALTH SERVICES, PUNJAB, 24-COOPER ROAD, LAHORE.

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ITEM No. 1

REGULAR CASES

Case No. 1

PQCB/R-897/2021

Tehsil Bahawalpur Saddar, District Bahawalpur

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon, Amazai District Swabi, Pakistan** through its Chief Executive Officer/Managing Director/Warrantor Rana Muhammad Nawaz. 2. Rana Muhammad Nawaz Chief Executive Officer/Managing Director/Warrantor 3. Muhammad Abdullah Abubakar Production Manager 4. Muhammad Shahid Inayat OIC/Quality Control Manager **Of M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon Amazai District Swabi, Pakistan.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Tehsil Bahawalpur Saddar /(Distribution Inspector, Division Bahawalpur) reported that: -

i. His Predecessor, on 16-11-2020, inspected the business premises of M/S Baloach Medical Store Situated at Tariq Abad Mouza Pacca Bara Bahawalpur and took two different types of drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Bahawalpur vide Memo. No.0000078095, dated. 17-11-2020.
ii. Following Drug sample after test/analysis was declared as **Spurious & Misbranded** by Government Analyst Drug Testing Laboratory **Bahawalpur,** as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report** **TRA No. & Date**	**DTL Test Report Result**
Syrup Dexphen [(Diphenhydramine HCl5mg/5ml, Dextromethorphan HBR 6.25mg/5ml), 120ml **Mfg Date:** Feb-2020	S-520	M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon Pakistan	01-77002625/DTL Dated. 17-03-2021	**Analysis with specifications applied: MS.** **Composition:** **Each 5ml contains:** Dextromethorphan HBr (BP)……..6.25mg Diphenhydramine HCl (BP)……...5.00mg

Exp Date:

Feb-2022

Registration No.

047959

Description (MS):

Pink rose colored syrup in sealed amber plastic bottle. (Stated Volume: 120ml). The label of the product does not bear the name of Pharmacopoeia or document according to which the product is manufactured. (The product is misbranded).

pH : (MS)

Limit	4.0-6.5
Determined	4.147

Identification (MS):

Dextromethorphan HBr not identified.

Diphenhydramine HCl is identified.

Assay (MS):

Dextromethorphan HBr:

Stated	**6.25mg/5ml**
Determined	**0.0mg/5ml**
Percentage	**0.0%**
Limit	**90-110%**

Does not comply.

Diphenhydramine HCl:

Stated	5mg/5ml
Determined	5.01mg/5ml
Percentage	100.26%
Limit	90-110%

				Result: The sample is declared "**Spurious"** as defined under section 3 (zb)(i) of the Drugs Act 1976 and **Misbranded** as defined under clause (vi) of subsection (s) of section 3 of the Drugs Act 1976..

iii. M/S Baloach Medical Store Situated at Tariq Abad Mouza Pacca Bara Bahawalpur provided Invoice/warranty No 3151, dated 19-02-2020 issued by M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon Pakistan as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon Pakistan and they were asked to explain their position in this regard.

v. A copy of test/analysis report was sent to M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon Pakistan and they were asked to provide the requisite information in this regard. In response, the firm challenged the test/analysis report of the drug sample and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad in the office of Provincial Quality Control Board. The said retesting request was considered in 19th meeting held on 21-10-2021 and the Board unanimously decided to Turn Down the said retesting request. Company file Writ Petition 7072/2022 against the Retesting orders which is further dismissed on 30-10-2023.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacture for sale/Sale of Spurious & Misbranded drug**

b. **Issuance of false warranty**

3. Show cause notice(s) issued to the accused persons(s)

Reply of firm to show cause notice:

1. It is submitted that we received your letter cited above regarding of Show Cause notice about our Product Dexphen 120ml Syrup, Batch No.520. Sample of Dexphen syrup Batch No.520 was collected from M/S Balouch Medical Store, Tariq Abad, Mauza Pacca Bara Bahawalpur by Drug Inspector Mr. Faisal Mahmood Khan. Sample of syrup was sent to DTL Bahawalpur for test/analysis. We sent three testing methods (Copy attached) to DTL Bahawalpur which could be used for test/analysis of active ingredients. The DTL report claimed that assay of Diphenhydramine HCl was 100.26% and assay of Dextromethorphan HBr was 0.0% (Capy attached)

2 Later, on 21-10-2021 an order was sent to firm which completely described the events about testing of Syrup Dexphen, Batch No.520. According to that order, assay of Dextromethorphan HBr was carried out on Method 1 sent by firm using HPLC at wavelength 214 nm. Here, the mistake happened, which further complicated the situation. In Method 1, the firm specified the wavelength 280 nm. If wavelength 280 nm was selected, we are assured that assay of Dextromethorphan HBr would come in the reference range.

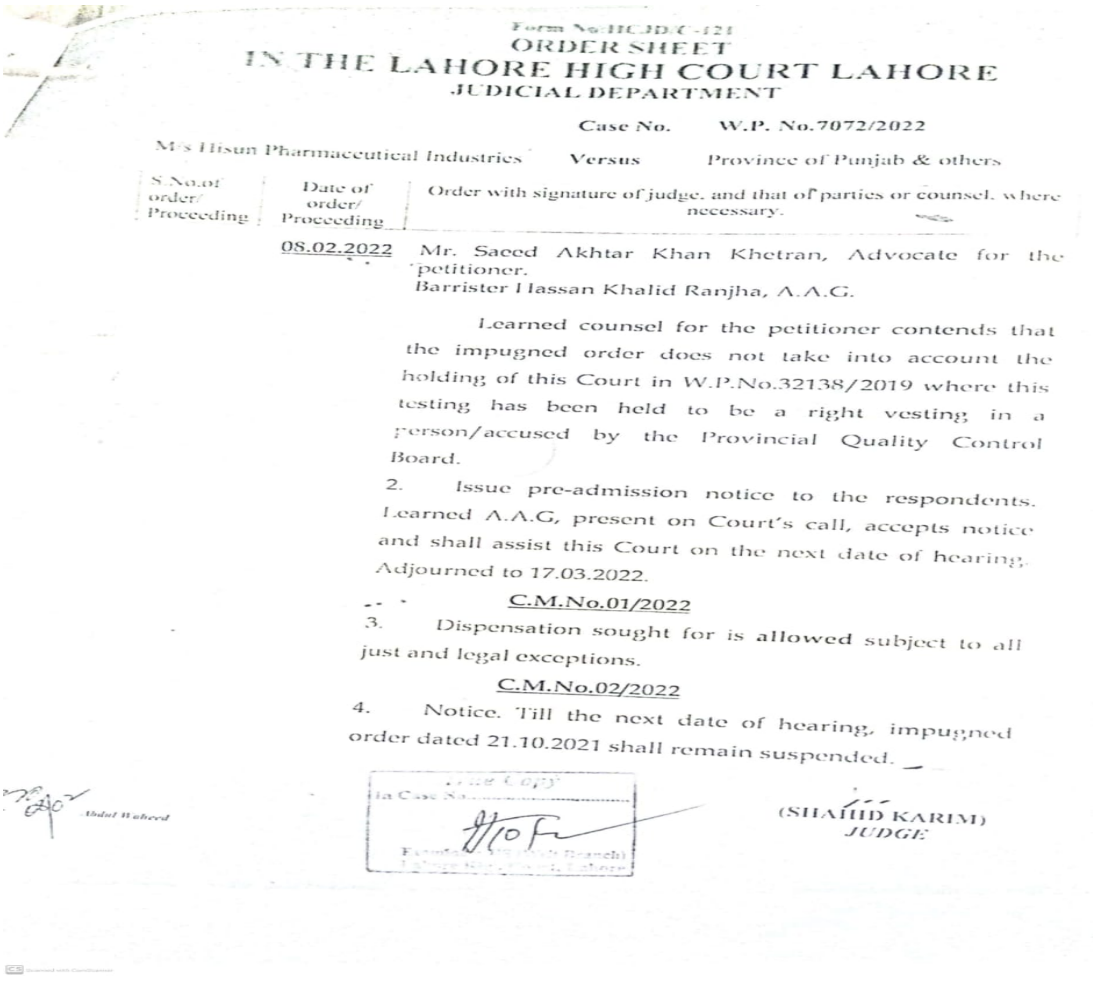
3. According to same order, Diphenhydramine HCI was tested on Method No.3. Method 3 contained testing method for both ingredients. L.e., Diphenhydramine HCI and Dextromethorphan HBr. But only Diphenhydramine HCI was tested according to this method. If Dextromethorphan HBr was also tested according to this method, hopefully, this complication would have not occurred.

4. Misbrand. As far as misbrand is concerned, we have changed all packing material to include primary and secondary (copy attached) as required vide DRAP letter No. 9-2/2022-PEC dated 18 Dec 2023.

5. False Warranty. It is added that we have already changed the warranty as required that was to include the name of the warrantor (Copy attached for verification).

6. It is requested that a favorable action may be initiated as a special case, please.

Firm filed Writ petition no. 7072 of 2022 in the Honorable Lahore High court which has now been dismissed vide order dated 30.10.2023.



Form No:HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT LAHORE

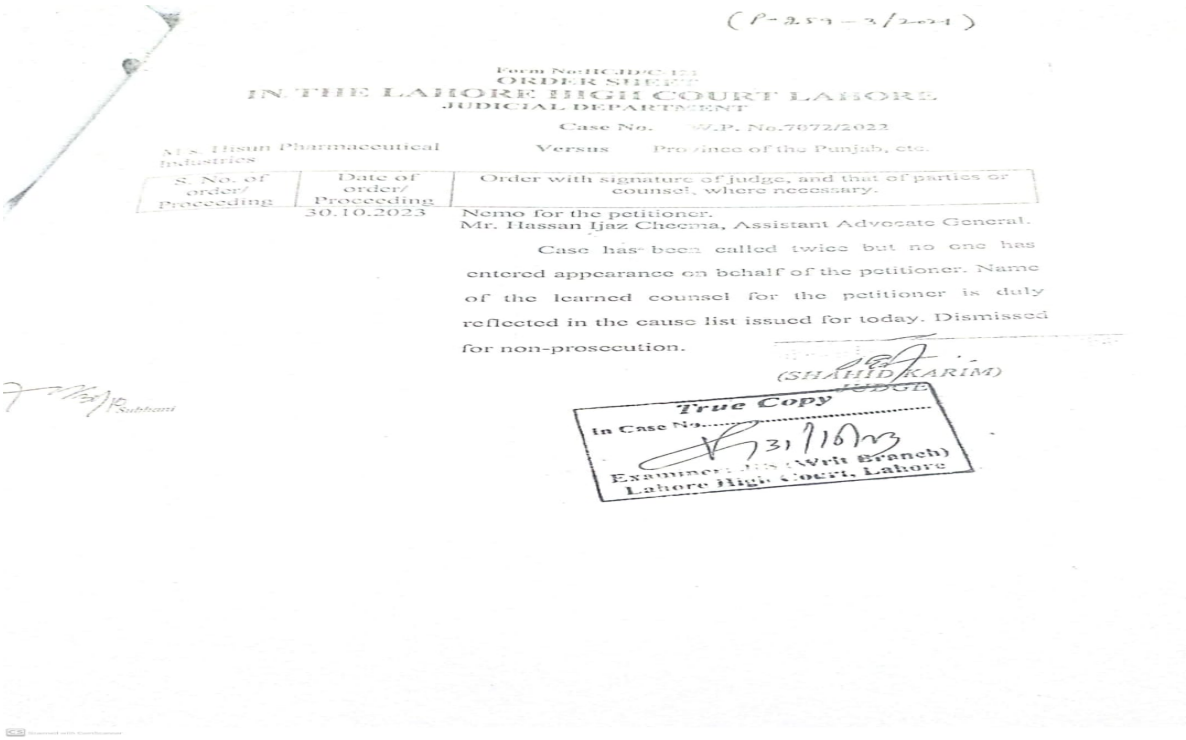
JUDICIAL DEPARTMENT

Case No. W.P. No.7072/2022

M/s Hisun Pharmaceutical Industries Versus Province of Punjab & others

S.No.of order/ Proceeding	Date of order/ Proceeding	Order with signature of judge, and that of parties or counsel, where necessary.
	08.02.2022	Mr. Saeed Akhtar Khan Khetran, Advocate for the petitioner. Barrister Hassan Khalid Ranjha, A.A.G. Learned counsel for the petitioner contends that the impugned order does not take into account the holding of this Court in W.P.No.32138/2019 where this testing has been held to be a right vesting in a person/accused by the Provincial Quality Control Board. 2. Issue pre-admission notice to the respondents. Learned A.A.G, present on Court's call, accepts notice and shall assist this Court on the next date of hearing. Adjourned to 17.03.2022. C.M.No.01/2022 3. Dispensation sought for is allowed subject to all just and legal exceptions. C.M.No.02/2022 4. Notice. Till the next date of hearing, impugned order dated 21.10.2021 shall remain suspended. (SHAHID KARIM) JUDGE

Abdul Waheed



(P-259-3/2024)

Form No:HCJDC-121
ORDER SHEET
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.7072/2023

M/S Hisun Pharmaceutical Industries — Versus — Province of the Punjab, etc.

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of judge, and that of parties or counsel, where necessary.
	30.10.2023	Nemo for the petitioner. Mr. Hassan Ijaz Cheema, Assistant Advocate General. Case has been called twice but no one has entered appearance on behalf of the petitioner. Name of the learned counsel for the petitioner is duly reflected in the cause list issued for today. Dismissed for non-prosecution. (SHAHID KARIM) JUDGE

True Copy
In Case No.....
31/10/23
Examiner (Writ Branch)
Lahore High Court, Lahore

4. Personal hearing notice(s) issued to the accused persons(s) dated 12-09-2024.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

5. The subject case was considered by Provincial Quality Control Board under section 11 of the Drugs Act 1976 in its **285th** meeting held on **26.09.2024** under the chairmanship of Secretary Primary & Secondary Healthcare Department, chairperson PQCB. Mr. Jahangir Khan Secretary DQCB Bahawalpur attended the meeting via zoom link and Mr. Amjad Farooq Drug Inspector Bahawalpur Saddar was present along with original case record. No one among the nominated accused person of M/S Hisun Pharmaceutical Industries, 37-A, R-2 Industrial Estate Gadoon Pakistan was present.
6. The Board after discussion decided to **adjourn** the case and to provide another but final opportunity to the firm to appear before the Board in the best interest of justice.
7. Personal hearing notice(s) issued to the accused persons(s) dated 22-10-2024.

Summary:

Date of sampling: 16-11-2020

Date of DTL: 17-11-2020

Date of receipt in DTL: 18-11-2020

Issuance date of DTL Report: 17-03-2021

Time Extension: Time Barred (Time extension granted in 233rd meeting dated 17-08-2021)

1st DI Communication with firm on dated: 25-03-2021

Retesting Request of Firm: Firm requested for Retesting Request dated 10-04-2021

Fate of Retesting Request: Turn down in 19th M dated 21-10-2021.

Permission of Show cause notice: 275-M

PROCEEDINGS & DECISION BY THE

Investigation report received: 18-01-2024

Show cause notice dated: 22-03-2024

Reply of the firm: Received

History of the firm of last 3 years:

Firm: 10 cases of the subject firm

Product: 04 case including subject product

Manufacturing Date: 03-2020

Expiry Date: 03-2022

BOARD:

Case No. 2

PQCB/MSS-175441/2023

Tehsil & District Mianwali

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/S MTI Medical (Pvt) Ltd, 586-587, Sundar Industrial Estate, Lahore** through its Chief Executive Officer Muhammad Ajmal Iqbal. 2. Muhammad Ajmal Iqbal Chief Executive Officer R/O House No. 586-587, Mohallah Sundar Industrial Estate, Sundar Road Lahore. 3. Muhammad Adrees Khan S/O Muhammad Aziz Ullah Khan Production Incharge R/O Mohallah Hindal Khel, P/O Khas Sultan Khel Gharbi, Tehsil Essa Khel. 4. Muhammad Amir Razzaq S/O Abdul Razzaq Akhtar Quality Control Manager R/O Johar Town, Post Office Township, House No. 506, Block No. B, Lahore. 5. Muhammad Raza Shafaat S/O Muhammad Shafaat Ullah Warrantor R/O House NO. B-II-2-5-89, Mohallah F Block, Okara. **of M/S MTI Medical (Pvt) Ltd, 586-587, Sundar Industrial Estate, Lahore.**

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Tehsil & District Mianwali reported that: -

i. He, on 13-09-2023, inspected the premises of Medicine Store of CEO-DHA, Mianwali and took three different types of drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Rawalpindi vide Memo. No.0000175441, dated. 13-09-2023.
ii. Following Drug sample after test/analysis was declared as **Adulterated & Substandard** by Government Analyst Drug Testing Laboratory **Rawalpindi,** as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report** **TRA No. & Date**	**DTL Test Report Result**
Injection Vinvin [Vancomycin as Hydrochloride 500mg/vial]	VI-012	M/S MTI Medical (Pvt) Ltd, 586-587, Sundar Industrial Estate, Lahore	01-75007529/DTL Dated. 02-11-2023	**Analysis with specifications applied: USP 2023** **PHYSICAL DESCRIPTION:** Off white coloured powder, filled in transparent glass vial with affixied label, sealed with grey coloured rubber stopper, aluminium seal and green coloured flip off cap.

Mfg Date: June-2023 **Exp Date:** June-2025 **Registration No.** 084915				**Black coloured particles are observed in reconstituted sample in all vials. Clear, Sterile WFI from different batches were used as solvent and upon reconstitution black coloured particles are observed in each vial. (Does not comply).** **pH** Observed: 2.88 Determined: 2.5-4.5 (Complies the test) **ASSAY:** Stated: 500mg/vial Determined: 450.803mg/vial Percentage: 90.16% (Complies the test) Limit: 90-115% **STERILITY TEST:** No visible microbial Growth observed so it complies with the sterility test (Complies the test) **Result:** The Above sample is **Adulterated and Substandard** with regards to physical characteristics observed.

iii. Drug Inspector also directed the store keeper not to dispose off stock vide Form No. 3, dated. 06-11-2023
iv. Store Keeper of M/S Medicine Store CEO-DHA, Mianwali provided Invoice/warranty No 3367, dated 24-07-2023 issued by M/S MTI Medical (Pvt) Ltd, 586-587, Sundar Industrial Estate, Lahore as a proof of its purchase.
v. Warrantor Portion was sent to M/S MTI Medical (Pvt) Ltd, 586-587, Sundar Industrial Estate, Lahore.
vi. A copy of test/analysis report was sent to M/S MTI Medical (Pvt) Ltd, 586-587, Sundar Industrial Estate, Lahore and they were asked to provide the requisite information in this regard.

2 Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacture for sale/Sale of Adulterated & Substandard Drug**
b. **Issuance of false warranty**

3 Show-cause notice(s) issued to the accused persons(s) dated 26-02-2024

Reply of show cause notice dated 11-03-2024

With reference to the Letter No. P¿CB/MSS.No. 175441/2023 dated 26- 02-2024 received on 07 11-2024, we MTI Medical want to add into your kind knowledge that our subject product and Batch # VI-012 is dispatched in different cities and declared pass from the respective DTL, Copy of the DTL report is attached for your reference.

1. Details of DTL report shared below;

Sr no	**DTL Receiver**	**Institution**	**Result status**
1	DTL Multan	DHA Muzaffargarh	Pass
2	DTL Multan	District Headquarters Hospital Muzaffargarh	Pass

Further multiple sampling of the subject was performed on the basis of Acceptable quality limit (AQL) USP reference 1790 and reconstituted to conduct optical inspection. Multiple sampling offered maximum presentation of reconstituted vials whereas 100% General inspection was conducted to check the physical appearance of the product. All the results during the operation were satisfactory and within the specified limit. A preliminary inquiry was conducted in our retained samples and no particles were found.

Moreover, after the report received from Drug Testing Laboratory Rawalpindi, suspected the complete batch and hereby voluntarily recalled our product from the market and an advertisement is also made in the newspaper copy of which is enclosed. This recall is in line with our commitment to patient safety.

We recalled the drug under consideration according to the SOP of Drug Recall procedure and informed the relevant authorities of the Hospital and DRAP.

CNIC copies of the Managing Director, Production Manager, Quality Control Manager, and Warrantor: details are mentioned below and CNIC Copies are attached

Sr no	**Designation**	**Name**	**CNIC NO.**
1	Chief Executive Officer	Muhammad Ajmal Iqbal	34603-0599177-9
2	Production Manager	Muhammad Adrees Khan Niazi	38301-4183697-7
3	Quality Control Manager	Muhammad Amir Razzaq	35202-2556643-3

4	Warrantor	Muhammad Raza Shafaat	35302-8843883-5

Furthermore, we request you to return the subject product and allow us to replace it with the fresh stock. The requisite documents DML attached and Drug Registration Certificate attached

Summary	
Sampling Date (Form 4):	13-09-2023
Sent to DTL (Form 6):	13-09-2023
Date of receipt in DTL	22-09-2023
DTL Report Date (Form 7):	02-11-2023
Form 3	06-11-2023
1st DI Communication with firm dated	06-11-2023
Date of Retesting Request of Firm:	No
Fate of Retesting request	N/A
Investigation Report Dated	04-01-2024
SCN permission	275-S meeting dated 31-01-2024
SCN dated	26-02-2024
Reply of show cause notice	11-03-2024
Firm History 3 years	**Firm: 11** **Product: 1 (subject case)**

6 Personal hearing notice(s) issued to the accused persons(s) dated 22-10-2024

CURRENT PROCEEDING & DECISION BY THE BOARD:

Case No. 3

PQCB/SM-19-09/2023

Lyallpur Town, District Faisalabad

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan** through its CEO/ Managing Director, Muhammad Mohsin Akhtar s/o Akhtar Ali 2. Muhammad Mohsin Akhtar s/o Akhtar Ali — CEO/ Managing Director 3. Shahbaz Ali s/o Muhammad Javed Iqbal — Production Manager 4. Aqsa Hussain w/o Umair Hussain — Quality Control Manager 5. Pervaiz Anwar s/o Ch. Muhammad Sharif — Plant Incharge of M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Lyallpur Town, District Faisalabad reported that: -

i. He along with witnesses, on 27-07-2023, inspected the premises of M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan, recovered & seized eighteen (18) different types of articles/drug samples on Form-5. A room with unregistered/unlisted therapeutic goods (without Form-6 & 7) was locked & sealed under contraventions of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there under:

Sr. No.	Name of drug	Batch No.	Manufactured by	Quantity	Reason of seizure
1	Exitone Oral Powder 1000gms	EX-00206	M/s A&K Pharmaceuticals	(04) 1000gms	Expired since 02-2023 (Finished Good Store)
2	Lineosole Water Soluble Powder 1000gms	LIN-00192	-do-	(02) 1000gms	Expired since 01-2023 (Finished Good Store)
3	Clozenew Plus Douch 100ml	CLO-064	-do-	(12) 100ml	Expired since June-2023 (Separate Room)
4	The solution/ liquid app. 500ml sealed in a plastic bottle bearing no label & unit carton	Nil	-do-	(17) 500ml	Misbranded (May be expired liquid and used for repacking)

5	Unit carton of Inj. Genin 100ml	GN-2001	M/s A&K Pharmaceuticals	20	Expired since 02-2022 (From Packing Store)
6.	Label of Inj. Genin	GN-2201	-do-	App. 500	Mfg: 04-22 Expiry: 03-24 (Packing/ Printing Material store)
7.	Yellow color Powder said tube Chlortetracycline HCl packed in polythene transparent bag kept inside round small drum with cap (Brown Color) Identification Tag was removed with sharp instrument			App. 3Kg	Mfg Date: Miss Expiry: Nil Mfg Name: Nill etc. (Misbranded Powder) Back side label removed which showed may be used for repacking (Misbranded)
8.	Levoxazole Oral Susp.100ml	Nil	-do-	(22) 100ml	
9.	Adek Forte Liquid 1000ml	022	-do-	(10) 1000ml	Un-registered Therapeutic Goods without Form-6 & 7
10.	Jetesole Liquid 1000ml	JS-024	-do-	(10) 1000ml	-do-
11.	Gumbozole Liquid 1000ml	GZ-016	-do-	(10) 1000ml	-do-
12.	Nova AK Torte 500ml	028	-do-	(12) 500ml	-do-
13.	Mentolex Liquid 1000ml	MX-023	-do-	(12) 1000ml	-do-
14.	Jetesole Plus 1000ml	JP-029	-do-	(12) 1000ml	Un-registered Therapeutic Goods without Form No. 6 & 7
15.	Aveta-C 100% 1kg	220630	-do-	(10) 1 kg	-do-
16.	Raw Material Tylosin	L-201203003	Ningxia Taiyiun	34 kg	Expired Dec-19, 2022

	(Pharmagrade)		BioTech.com China		
17.	Oxacare 1000ml Oral Susp, Batch No. OXC-00171, Marisil 1000ml Liquid Batch No. 079, Levoxazole 100ml Batch No. Nil and Misbranded 100ml Bottles kept in labelling sections. Recovered three bottles of each remaining present there.				
18.	White color powder enclosed in a blue polythene bag having no identity.			3 kg	Misbranded Powder

Raw Material Store: Vitamins are not stored at registered/ required temperature. Here materials are stored with no partition/ segregation of proper labelling, however, Antibiotic raw material like tetracycline is placed/ store adjusting on same pellet with excipient and vitamin like Vit-C etc. Moreover, KOH is stored with Albendazole. No calibrated pouch was kept there. No liquid raw material store hence the liquid like PG, Methanol etc. placed outside the unit in open air in front of dedusting passage. **Finished Goods Store:** Above mentioned expired drugs have been recovered from Finished Goods Store temperature was not maintained (29.6°C). Finished Goods were stored in front of QC Lab and approximately all the corridors on the floor without pallets attached with walls. **Powder Filling:** Bags were kept there without label. P-Trap and Boards of electric and supply lines were outside wire which were source of dust, contamination. **Liquid Filling Door:** No identification tags on Tanks & machinery. No BMR present there. Temperature is 29°C. **Inject-able Section**: Filled injection vials without labels are placed in injectable Corridor at 1st floor. **Packing Room Inject-able**: Flies are flying / seen inside the inj. Packing Room. Packing of different products is being carried out at same place. Different areas of inject-able sections are being painted/ white washed without displaying the tag "under renovation". There is no signboard of above said unit for identification placed/ displayed outside.

i. The drug inspector Lyallpur Town, District Faisalabad also took three different types of samples on Form No 04 dated 27-07-2023 and sent to Drugs Testing Laboratory Faisalabad for the purpose of test/analysis. These samples declared of standard qualities from Drugs Testing Laboratory Faisalabad.
ii. Case was considered in 269th meeting dated 03-10-2023 and Board, after due deliberation and discussion at length unanimously decided to grant permission for registration of FIR in subject. On the direction of Provincial Quality Control Board, Drug Inspector registered FIR No. 1552/23 dated 18-10-2023 against you.

2. The Drug Inspector requested for grant of **permission for prosecution** against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended)/ Schedule II of The DRAP Act 2012 and Rules framed there under by the way of: -:

1. **Violation of DRAP Act 2012 Schedule-II, Drugs Act 1976, cGMP**
2. **Expired Drugs**
3. **Misbranded Drugs**
4. **Unregistered Therapeutic Goods (Form-7)**
5. **Manufacturing without Enlistment Form No. 6**
6. **Manufacturing/ stocking/ selling without product enlistment Form No. 7**
7. **Expired Raw Material**
8. **Expired Packing Material**
9. **Without Signboard Building**
10. **Dirty, Dusty Conditions**

Drug Inspector also requested the Board to grant **extension in sealing period** and **custody of seized drugs/items**.

3. Show-cause notice(s) issued to accused person(s) dated 22-10-2024

4. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024

Summary:

Inspection Date: 27-07-2023

PREVIOUS PROCEEDINGS AND DECISION BY THE BOARD:

5. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **269th meeting** held on **03-10-2023** under the Chairmanship of Secretary, Primary & Secondary Healthcare Department Punjab. Ms. Rubina Akhtar, District Faisalabad attended the meeting online via zoom link and Mr. Saqib Javaid Bhatti, Drug Inspector Lyallpur Town, District Faisalabad was present along with the original case record. Among the nominated accused persons, Shahbaz Ali (Production Incharge) and Pervaiz Anwer (Plant Manager) of M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan appeared before the Board and pleaded their case upon following grounds:

- They are a licensed manufacturer of allopathic drugs since 2004, with more than 100 products registered and the map for their Nutraceutical unit has been approved from the DRAP.
- Only trial batches of the Nutraceutical products were being manufactured at the time of inspection by the drug inspector.
- They have placed the recovered expired API/ Excipients in a separate room in the manufacturing premises.

6. The Drug Inspector, Lyallpur Town, District Faisalabad briefed case to the Board regarding details of his inspection of M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan that firm failed to provide valid Drug Manufacturing License and any plan for Nutraceutical Unit approved from DRAP. The firm also failed to provide any proof of registration of the nutraceutical products being manufactured in the same premises and further no sale/ purchase record was provided by the firm at the time of inspection. The drug inspector Lyallpur Town, Faisalabad also presented the pictorial evidence of huge quantities of illegally manufactured therapeutic goods such as Multivitamin Solution named Jetesole 1000ml, Nova AK Forte 500ml, Adek Forte Liquid 1000ml, all manufactured by M/s A&K Pharmaceuticals.

7. The Board after careful perusal of the case record, statements of the accused of the firm present and stance of the drug inspector observed that:

- Firm failed to provide valid Drug Manufacturing License for pharmaceutical products, any approved plan for Nutraceutical Unit, approval from DRAP to manufacture trial batches of nutraceutical products and proof of registration of recovered therapeutic goods from their premises.
- Firm was utilizing the same premises as that for the pharmaceutical products to manufacture those trial batches of nutraceutical products.
- Firm was unable to exhibit Enlistment Form No. 6 & 7 despite repeated enquiries by the Board.

- Some of the articles/ drugs were expired since long and the firm was unable to provide any satisfactory explanation for the same.

8. Based upon above-mentioned observations, the Board, showed serious concern over the recovery of un-enlisted/ unregistered therapeutic goods from the firm's premises. Hence, the Board, after detailed scrutiny of the case and perusal of record, keeping in view the gravity of the offence observed that there is dire need for further investigation in the case. The Board further observed that accused persons contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended)/ Schedule II of The DRAP Act 2012 and Rules framed there under that is a heinous crime and cognizable offence under section 30 read with Section 27(1) of the Drugs Act 1976, Schedule III of the DRAP Act 2012 and rules framed thereunder. In view of the foregoing facts, the Board, after due deliberation and discussion at length unanimously decided to **grant permission for registration of FIR** in the subject case, at the concerned Police Station, against the below-mentioned accused persons:

1. **M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan** through its CEO/ Managing Director, Muhammad Mohsin Akhtar s/o Akhtar Ali
2. Muhammad Mohsin Akhtar s/o Akhtar Ali — CEO/ Managing Director
3. Shahbaz Ali s/o Muhammad Javed Iqbal — Production Manager
4. Aqsa Hussain w/o Umair Hussain — Quality Control Manager
5. Pervaiz Anwar s/o Ch. Muhammad Sharif — Plant Incharge

of M/s A&K Pharmaceuticals, situated at 94-A, Small Industrial Estate, Sargodha Road, Faisalabad-Pakistan.

For the offences of:

1. Violation of DRAP Act 2012 Schedule-II, Drugs Act 1976, cGMP
2. Expired Drugs
3. Misbranded Drugs
4. Unregistered Therapeutic Goods (Form-7)
5. Manufacturing without Enlistment Form No. 6
6. Manufacturing/ stocking/ selling without product enlistment Form No. 7
7. Expired Raw Material
8. Expired Packing Material
9. Without Signboard Building
10. Dirty, Dusty Conditions

9. The Board further directed the Provincial Inspector of Drugs, Lyallpur Town, District Faisalabad to register an FIR in the concerned police station against the above mentioned accused.

10. The Board also granted the extension in the sealing up to 90 days from the date of sealing and further allowed the Drug Inspector Lyallpur Town District Faisalabad to keep the custody of seized therapeutic goods.

Show cause notice/Personal hearing notice(s) issued to accused person(s) dated 22-10-2024

PROCEEDINGS AND DECISION BY THE BOARD:

Case No. 4

PQCB/SM-09-05/2021

(Tehsil Ferozewala District Sheikhupura)

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Rehmat Pharma, 10.5-Km, Shiekhupura Road, Ferozewala, District Sheikhupura** through its Owner, Bashir Ahmad S/o Rehmat Ali. 2. Bashir Ahmad S/o Rehmat Ali Owner 3. Sajjad Bashir S/o Bashir Ahmad Son of Owner R/o Main Bazar Lahore Hotel, Mauza Badoo P.O kot Abdul Malik, Ferozewala. **of M/S Rehmat Pharma, 10.5-Km, Shiekhupura Road, Ferozewala, District Sheikhupura.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of drugs, Tehsil Ferozwala District Sheikhupura reported that:-

i. He, on 19-05-2021, inspected the premises of M/s Rehmat Pharma, 10.5 KM, Sheikhupura Road, Ferozwala, District Sheikhupura. and recovered/seized stock of drugs on Form 5 as detailed below:

Serial No.	Name of drug	Batch No.	Name of Manufacturer	Quantity	Reason of seizure
1.	Hydrogen Peroxide B.P 60 ml	A-281	Rehmat Pharma	500	**1) Manufacturing without DML** **2) Manufacturing in unhygienic Condition.** **3) Absence of Qualified Person.**
2.	Kaolin Poultice 80 gm Bottle	A-284	Rehmat Pharma	20	-do-
3.	Glycerine Pure 15 gm Bottle	R-842	Rehmat Pharma	50	-do-
4.	Labels of Hydrogen Peroxide			200	-do-

5.	Labels of Glycerine Pure			200	-do-
6.	Labels of Hydrogen Peroxide 120 ml			200	-do-
7.	Labels of Kaolin Poultice			150	-do-
8.	Invoices of Shaheen Traders in favour of M/s Rehmat Pharma.				
9.	Invoices of Haq Bahu Traders regarding the purchase of Pyrodent labels, Hydrogen Boxes and Hydrogen Labels.				
10.	Invoice no. 33 & 27 to Latif and Brothers by Rehmat Pharma dated 4-05-2021				
11.	Invoice no. 31 regarding the sale of Drugs to Ahmad Enterprises by Rehmat Pharma dated 04-05-2021				
12.	Pyrodent Solution 50 ml				

2. Drug Inspector requested for grant of permission for prosecution against the above- accused persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of: -

a. **Manufacturing without DML**
b. **Manufacturing in unhygienic Condition.**
c. **Absence of Qualified Person**

3. Show-cause notice(s) issued to the accused dated 24-05-2021
4. Personal Hearing Notice issued to the accused person(s) dated 15-02-2022

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

5. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **239th meeting** held on **24-02-2022** under the Chairmanship of Secretary Primary & Secondary Healthcare Department, Punjab in the presence of Board members as mentioned above**.** Ms. Asma Rasheed Secretary DQCB District Sheikhupura and Mr. M. Shahzad Drug Inspector Tehsil Ferozewala District Sheikhupura were present. No-one from the nominated accused persons was present on behalf of M/s Rehmat Pharma, 10.5 KM, Sheikhupura Road, Ferozwala, District Sheikhupura. The Board after discussion unanimously decided to adjourn the case in best interest of justice and further decided to provide another/ final chance of personal hearing to accused persons.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

6. Case was considered by the Provincial Quality Control Board under section 11 of the Drug Act 1976 in its **282nd meeting** held on **24.07.2024** under the Chairmanship of Special Secretary (Operations), Primary and Secondary Healthcare Department, Punjab /Vice-Chairperson PQCB. Dr. Asma, Secretary DQCB District Sheikhupura attended the meeting online via zoom link along with original

case record. No among nominated accused appeared before the Board on the behalf of M/s Rehmat Pharma, 10.5-Km, Shiekhupura Road, Ferozewala, District Sheikhupura.

7. The Board after due deliberation unanimously decided to **adjourn** the case in best interest of justice. The Board further decided to provide another/ final opportunity of personal hearing to the accused.

Summary:

Date of Inspection: 19.05.2021

Reported in PQCB dated: 20.05.2021

Show Cause Issuance date: 24.05.2021

Reply of firm: No Reply submitted

History (Last 03 Years): No case reported in previous 03 years.

4. Personal hearing notice(s) issued to the accused persons(s)

Case is placed before the Board for decision.

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 5

No. PQCB/R-259/2023

CEO Office DHA Jhelum

ATTENDANCE

Secretary DQCB **Drug Inspector**	1. **M/S Unisa Pharmaceuticals Industries Ltd., Main G.T road, Adam Zai, Akora Khattak Nowshera, KPK, Pakistan through its Chief Executive Aqib Ismail.** 2. Aqib Ismail Chief Executive 3. Kamran Khan Production Incharge 4. Ahmad Raza Quality Control Incharge/Warrantor Of M/S Unisa Pharmaceuticals Industries Ltd., Main G.T road, Adam Zai, Akora Khattak Nowshera, KPK, Pakistan

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, District Jhelum reported that:-

i. He on 07-02-2023 inspected the premises of main medicine store CEO Office DHA Jhelum and took sample of subject drug on Form No. 4 for the purpose of test and analysis and sent to Drug Testing Laboratory , Rawalpindi vide memo No. 0000156699 Dated 08-02-2023.
ii. The following drug sample, after test/analysis was declared as **Substandard** by Government Analyst, Drug Testing Laboratory , Rawalpindi as detailed below: -

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report**	**DTL Test Report Result**
Infusion Unizol 100ml (Metronidazole 500mg/100ml)**Mfg. Date**: 01-2023 **Exp. Date**: 12-2024 **Reg** # 075545	3012242	M/S Unisa Pharmaceuticals Ltd, Main GT Road, Adam Zai, Akora Khattak, Nowshera, K.P.K .	01-74007118 /DTL Dated: -19-04-2023	**Specification applied BP 2022** **PHYSICAL DESCRIPTION** Visibly clear, colourless liquid, filled in a sealed translucent plastic bottle having an affixed label. **Extractable Volume:** Determined volume: 101 mL Limit: Not less than nominal (100 mL) **pH:** **Observed: 4.22 at 25.8 ^{o}C (DOES NOT COMPLY)** Limit: 4.5-6.0

				ASSAY: Stated: 500 mg/100mL Determined: 503.00 mg/100mL Percentage: 100.60% Limit: 95-110% **STERILITY TEST:** No microbial growth was found so complies with the test for Sterility. **RESULT: The above sample is "Substandard" on the basis of the pH test performed**

iii. The Store keeper provided warranty/invoice No.116A Dated 04-02-2023 issued by M/S Unisa Pharmaceuticals Industries Ltd., Main G.T road, Adam Zai, Akora Khattak Nowshera, KPK, Pakistan.
iv. Drug inspector asked to not dispose off this substandard drug till the decision of the case on form 3 dated 05-05-2023.
v. Warrantor Portion was sent to Unisa Pharmaceuticals Industries Ltd., Main G.T road, Adam Zai, Akora Khattak Nowshera, KPK, Pakistan.
vi. A copy of Test/ Analysis reports was sent to M**/S** Unisa Pharmaceuticals Industries Ltd., Main G.T road, Adam Zai, Akora Khattak Nowshera, KPK, Pakistan . In response, the firm challenged the report and requested for re-testing of the sample from Appellate Laboratory.
vii. Pursuant to the retesting request of the firm, sample was sent to Appellate Laboratory, National Institute of Health (NIH), Islamabad from where the sample was declared **substandard**.

Name of Drug	**Batch No.**	**Name of Manufacturer**	**Test Report No.**	**Details of Result of Test/analysis** **(With protocols of test applied)**
Infusion Unizol 100ml (Metronidazole 500mg/100ml)	3012242	M/S Unisa Pharmaceuticals Ltd, Main GT Road, Adam Zai, Akora Khattak, Nowshera, K.P.K	0161-P/2023 Dated 08-08-2023	**Reference: BP-2017** **pH determined :** 4.2 ± 0.06 **LIMIT:** 4.5-6.0 **RESULT:** **The above sample is SUB-STANDARD on the basis of tests performed.**

2. In this way, you have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there under by the way of: -

3. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

i. **Manufacturing for Sale / Sale of Sub-standard Drug.**
ii. **Issuance of false warranty.**

4. Showcause was issued to accused person(s) vide dated 11-12-2023
5. Personnel hearing notice(s) issued to accused person(s) vide dated 26-02-2024

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

6. Case Nos. 23, 24 & 25 were considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **277th meeting** held on **07-03-2024** under the Chairmanship of Secretary, Primary and Secondary Healthcare Department, Punjab /Chairperson PQCB. Concerned Secretary DQCBs attended the meeting. No one among the nominated accused persons was present. However, Mr. Rab Nawaz (GM) of M/s Unisa Pharmaceuticals Industries Ltd. appeared before the Board. Firm's representative submitted that:

i. The subject batches of Unisol-10 Infusion & Unisol-NS Infusion has shown minor deviation in observed volume from the stated limit.
ii. Regarding Infusion Unizol, he submitted that firm regularly calibrate their pH meter with standard quality buffers. He further stated that the deviation in pH is minor as other tested parameters including the assay of the subject batches are complying the limits as per the DTL Report showing that the pH has not affected the stability of the batches.

He reiterated that other tested parameters including the assay are complying the limits as per the DTL Reports. He requested the Board for a lenient view stating that approximately 4 million stock supplied by the firm for the year 2023-2024 has been declared of standard quality which proves that firm has improved its system by rectifying the subject non-conformity

7. The Board after careful perusal of the case record and scrutiny of DTL report observed that the subject drug samples have been declared from different DTLs on the basis of non-compliance of dissolution test, described as follows:

i. **Infusion. Unizol** [Metronidazole 500mg/ 100ml], batch number **3012242** has been declared substandard by the Drugs Testing Laboratory, Rawalpindi upon deviation of pH of the sample from the limit. The pH was determined to be 4.22 which is lower than the permissible limit of 4.5-6.0
ii. **Infusion Unisol-10** (Glucose 10 %W/V infusion) [Each 100ml contains Glucose anhydrous BP 10.0 g, water for injection … q.s] **Batch No. 3024614** has been declared substandard by the Drugs Testing Laboratory, Lahore upon lesser than the stated limit of volume of the sample. The extractable volume in five units was observed to be 970ml and 960ml in a single unit, whereas volume should not be less than the stated limit of 1000ml.
iii. **Infusion Unisol-NS** [(Sodium Chloride 0.9 % W/V Intavenous Infusion B.P.) Each 100mL Contains Sodium Chloride B.P. 0.9 g, Water for Injection q.s], two batches i.e., **3022232 & 3022233** have been declared substandard by the Drugs Testing Laboratory, Lahore upon lesser than the stated limit of volume of the sample. The extractable volume in two units of batch No. 3022232 was observed to be 84ml & 86ml, whereas in batch no. 3022233 volume of two units is 94ml and 96ml in the other.
iv. **Infusion. Unizol** [Metronidazole 500mg/ 100ml], two batches i.e., **3012243 & 3012244** have been declared substandard by the Drugs Testing Laboratory, Lahore upon deviation of pH of the sample from the limit. The pH of both the batches was determined to be 4.21 & 4.24 which is lower than the permissible limit of 4.5-6.0
v. **Infusion. Unizol** [Metronidazole 500mg/ 100ml] Batch No. **3012239** has been declared substandard by both the Laboratories i.e., Drugs Testing Laboratory, Lahore and National Institute of Health Islamabad upon deviation of pH of the sample from the limit. The pH of subject sample was determined to be 4.21 from DTL and 4.2 $\pm$ 0.06 from NIH, pH results of both the laboratories being lower than the permissible limit of 4.5-6.0

8. The Board further observed that the volume in inspected units of subject batches of Infusion Unisol-NS & Infusion Unisol-10 is noticeably lesser than their stated limits and is not insignificant at all. Moreover, the Board

further observed that a total of six different batches of subject Infusion Unizol have been reported substandard from DTL Lahore & Rawalpindi based on same non-compliance of pH in a single year of 2023, whereas, total six batches of Infusion Unisol-NS & subject batch of Infusion Unisol-10 has been declared substandard on the basis of lesser than the nominal extractable volume, which is not ignorable.

9. The Board was of unanimous opinion that the observation of non-compliance of key parameter of extractable volume in case of Unisol-NS & Unisol-10, parameter of pH for Infusion Unizol and from Provincial & Appellate Laboratory (in case of Infusion Unizol, batch no. 3012239), necessitates the need to dig out its root cause and to rule out any deviation in the quality control or assurances procedures. Hence, the Board unanimously decided to **pend the cases** and to conduct **Product Specific Inspection (PSI)** of **M/s Unisa Pharmaceuticals Industries Ltd.,** Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan, in the above-mentioned cases, through a committee comprising of following members:

1	**Dr. Muhammad Munawar Hayat** Member PQCB	Convener
2	**Mr. Waseem Mahmood** Director Operations PQCB	Member

10. Furthermore, the Board directed the committee to submit its report in 90 days otherwise Secretary PQCB would be authorized to change the committee members.

11. The PSI Committee submitted its inspection report as follow:

PRODUCT SPECIFIC INSPECTION REPORT OF M/S UNISA PHARMACEUTICAL LTD, MANIN GT ROAD, ADAM ZAI, AKORA KHATAK, NOWSHERA, KPK.

Panel Members:

- Dr. Muhammad Munawar Hayat, Secretary, PQCB (Convener)
- Mr. Waseem Mahmood, Director Operation, PQCB (Member)

Date of Inspection of Unit: 31-08-2024

- Inspection was conducted with reference ot:
  - Four (04) cases of Infusion Unizol 100ml declared substandard on pH Test.
  - Tow (02) cases of Unisol-NS Infusion 100ml declared substandard on Volume Test.
  - One (01) case of Unirectic-20 Infusion declared substandard on Volume Test.
  - One (01) case of Unisol-10 Infusion declared substandard on Volume Test.

Detail given below:

S.No	Case No. With year	Product	Batch#	Mfg. Date	Temp. ^{o}C	DTL Result	NIH Result
1	PQCB/R-350/2023	Infusion Unizol 100ml	3012239	01-2023	23.4 ^{o}C	4.21	4.2

2	PQCB/R-259/2023	-do-	3012242	01-2023	25.8 ^{o}C	4.22	4.2
3	PQCB/R-351/2023	-do-	3012243	01-2023	24.4 ^{o}C	4.21	Not Sent
4	PQCB/R-352/2023	-do-	3012244	01-2023	24.4 ^{o}C	4.24	Not Sent
No.	Case No. With year	Product	Batch#	Mfg. Date	No bottles	DTL Result	NIH Result
5	PQCB/R-365/2023	Unisol NS infusion	3022232	02-2023	Two	84 ml 86 ml	Not sent
6	PQCB/R-366/2023	-do-	3022233	02-2023	Three	94 ml 96 ml 96 ml	Not sent
7	PQCB/R-420/2022	Uniretic-20 infusion	2036831	03-2023	One	470 ml	Not sent
8	PQCB/R-367/2023	Unisol -10 infusion	3024614	02-2023	Six	970ml 960 ml 970 ml 970 ml 970 ml 970 ml	Not sent

- All Eight (08) samples are government supply and replacement given by firm.
- All above seven (07) samples declared substandard from DTL Lahore and one from DTL Rawalpindi.

Introduction of firm

- Unit Established in 2012.
- Covered area 55,000 Square feet of total 2 floors
- Currently LVP and SVP section of diriment pharmaceutical products.

Technical Staff (Present)

1. Dr. Shah Fahad, Plant Director.
2. Muhammad Wisal Khan, Plant Manager
3. Rab Nawaz Khan, QCM
4. Kamran Ahmed, Production Manager

Certification of M/S Unisa Pharmaceutical Industries Limited

v. ISO 9001:2015 (ACS), Valid unitl 02-05-2025 (Anex-A)
v. ISO 45001:2018 (ACS), Valid unitl 02-05-2025 (Anex-B)
v. ISO 14001:2015 (ACS), Valid unitl 02-05-2025 (Anex-C)

Detail of some important aspects of Unit

- The firm is having valid DML and GMP certificates (Local & Export) from DRAP
- Firm is doing export in Afghanistan.
- In QC lab, one HPLC system of Shimadzo 21 CRF compliant having UV/Vis detector.
- Five (05) Large size Stability Chambers are available in Lab.
- Poly vinyl flooring is installed in about whole area of manufacturing.
- Optical Checking by four person on every belt/station and total six stations.
- Sample size for optical checking at final release is 22 infusion bottles.
- BET test is performing in micro lab.
- Liquid particle counter is used for subvisible particles.
- The firm is having AAS.

Findings/NCS

1. The firm is advised to increase the sample size at time of final release.
2. Apply optical checking sample for qualifying a person, to qualify as optical checking inspector on basis of this sample test result.
3. Spill Kit for chemical Emergency is not installed in wet Chemistry Lab.
4. Install emergency shower in Wet chemistry Lab.
5. The firm is advised for calibration of QC equipment from a PNAC certified firm for external calibration.
6. The firm is advised to participate in PT testing.

Measurers Taken by Firms

1. The firm currently using calibrated Pyrix glass ware.
2. Currently firm purchased new pH meter (WTW) with printer, which is calibrated from PCSIR Peshawar.
3. The firm installed generator (1.2 KW), Solar system 500KW and UPS for intrupted power supply.
4. For improving the analysis standard, and APIs, firm purchased new FTNIR and UV spectrophotometer.
5. Firm having improved and upgraded the QC lab.
6. The firm currently purchased new measuring cylinders, 100ml, 500ml, 1000ml and 2000ml.

Point of Discussion on Scientific Justification provided by Firm

The firm provided the following research articles

1. **Int. J. Biol. Chem.Sci. (2007),** title "Degradation kinetics of Metronidazole and its mutual prodrug with ciprofloxacin: a calorimetric analysis"

   The degradation of metronidazole followed a first order reaction in both acidic and alkaline conditions and exhibit maximum stability at pH 4-6.

2. **Dissolution Technologies (2017),** title "Stability Studies and invitro dissolution studies of Metronidazole tablets and infusion".

   The solubility of metronidazole in water at room temperature is 64.8 mg/ml at pH 1.2 and approximately 10mg/ml at pH 2.5-8.

Conclusion

After careful evaluation of record and panel inspection, is of opinion that

- The reason of less volume is due to interruption in power supply and sudden jerk in filling volume volve or pressure of pump.
- The reason of pH variation may be due to water used in infusion manufacturing.

However, the firm imporved a lot as a whole especially in QC Lab having enough quantity of High Tech Equipments. As result of these improvement, the firm claims that their products were not declared substandard on the physical tests volume and pH since June 2023 to onward due to measurements taken by firm.

12. The inspection report was forwarded to the firm for submission of CAPA.

13. In response the firm submitted the CAPA as follow:

Reference to your letter no. PQCB /R-420/2022,259,350,351,352,365,366,367/2023 dated 1-10 2024, regarding Product Specific Inspection of the following products.

1. Four cases of infusion unizol 100 mL declared substandard on pH test
2. Two cases of Unisol NS infusion 100 mL declared substandard on volume test
3. One case of uniretic -20 500 mL infusion declared substandard on volume test
4. One case of Unisol-10 1000 mL infusion declared substandard on volume test

S.No	Case No With year	Product	Batch#	Mfg.date	Temp.	DTL Result	NIH Result
01	PQCB/R-350/2023	Unizol 100 ml infusion	3012239	01-2023	23.4 ^{o}c	4.21	4.2
02	PQCB/R-259/2023	Unizol 100 ml infusion	3012242	01-2023	25.4 ^{o}c	4.22	4.2
03	PQCB/R-351/2023	Unizol 100 ml infusion	3012243	01-2023	24.4 ^{o}c	4.22	4.2
04	PQCB/R-351/2023	Unizol 100 ml infusion	3012243	01-2023	24.4 ^{o}c	4.22	4.2
Batches substandard on the basis of volume							

No.	Case No With year	Product	Batch#	Mfg. Date	No bottles	DTL Result	NIH Result
05	PQCB/R-365/2023	Unisol NS 100 ml infusion	3022232	02-2023	02	84 ml 86 ml	Not sent
06	PQCB/R-365/2023	Unisol NS 100 ml infusion	3022233	02-2023	03	94 ml 96 ml 96 ml	Not sent
07	PQCB/R-420/2022	Uniretic -20 500 ml infusion	2036831	03-2023	01	470 ml	Not sent
08	PQCB/R-367/2023	Unisol -10 1000 ml infusion	3024614	02-2023	06	970ml 960 ml 970 ml 970 ml	Not sent

We humbly submit that:

1. In regards to testing method followed by any testing lab either private or government has to follow guidelines instructed under Drug Act 1976 which states that on page no 7 “when the specifications are not prescribed the specification as contained in the most recent edition of any of the following publications (pharmacopeia’s)”. However, we humbly submit that, various retesting of our batches at DTL or NIH has been carried out as per old version of the pharmacopeia’s while drug act clearly states as above. We object the testing method of our reports provided by DTL/NIH and re request to reconsider the authenticity of these reports as per Drug Act, 1976. **The reports are highlighted and attached.**
2. However, the label of these product clearly state that the product shall be kept below 25C in clean environment. we object that, the products kept at various warehouse are not temperature controlled and were expose to harsh environment effecting the nature of the product and against the label storage conditions which itself explains the samples collected for the purpose of retesting of the said batches. Referring to the day of inspection by the said committee various research articles were provided and also submitted to your good office stating that, the label on the infusion restrict storage to below 25C. however, the warehouse storage practices of government hospitals in common are not temperature controlled and in summers product are stored above 35c/humid for long time. This high temperature exposure decreases the pH of metronidazole which is due to degradation of metronidazole, other than this, it also effects shelf life of metronidazole and decrease it by half after keeping temperature uncontrolled, this study was in a research paper of Pharmacy, Dept of Pharmaceutics king Saud university (Research paper attached)
3. Our product according to DTL report is of standard quality on the basis of biological and chemical tests except pH, which deviates only in close decimal points from the standard i-e 0.28 (limit 4.5 —6.0 and as per DTL report 4.22.) which neither have any effect on the stability of the product nor any pharmacological and physiological adverse effects on human body in any way, which is scientifically proven by the following facts.

a. The pH of an I.V (intravenous) solution can be from 3 to 7.5 while our product pH is 4.22 as per DTL reports. It means the PH of our product is in safe range of intravenous infusions.

   (for reference paper of Bristol Myers squib is attached: A study of the Osmolarity and pH of Subcutaneous drug infusion solution)

b. Furthermore, Metronidazole Dry injection after reconstitution the PH of the solution is from 0.5 to 2.0 and after that we dilute it in the solution of 0.9% saline, Dextrose 5% or Lactated ringers all these products have PH Range 3.0 to 6.0, 4.0 To 6.5 and addition of a solution like 0.5 to 2.0 will further reduced the PH, but the solution is safe for the use. (For reference document of PFIZER Flygel, I.V is attached

c. Metronidazole Followed First Order reactions in both acidic and alkaline conditions and exhibited maximum stability at pH 4-6. pH of our Product (as per DTL report 4.22) is more than 4.0 and in safe range.

   (Reference Documents is attached: International Journal of biological and international science) As the pH

d. The solubility of Metronidazole in acidic solution is greater than other pH which is approx. 64.8mg/ml and approximately 10mg/ml at pH 2.5----8.0; it means the lower PH does not affect the solubility of product

   (For reference paper attached and at lower pH, no chance of crystallization).

Conclusion.

The above data shows that pH of Metronidazole higher than 4.0 is in safe limits. Although our product pH is less than 4.5, but in safe limit i.e. higher than 4.0. (**Research Papers are attached as annex A**)

6-Corrective and Preventive action. (CAPA attached as annex B)

1. We installed a generator of 1.2KW, solar system, 500KW and UPS system for interrupted power supply and also worked on PLC regarding volume control system.
2. We have purchased a new pH meter WTW of Germany origin for pH accuracy

7-Findings and NCs by the inspection team. (Attached as Annex. C)

We have done worked on the findings pointed out in Product specific Inspection.

i. The firm is advised to increase the sample size at time of final release.

   We have increased the sample from finished goods to 40 bottles.

ii. Apply optical checking sample for qualifying a person to qualify as optical checking inspector on basis of this sample test result.

   We have prepared an SOP for the selection and validation of Optical inspector. And also tested their eye sights.(reports attached.)

iii. Spill kit for chemical emergency is not installed in wet chemistry lab.

   Spill kit is purchased.(invoice attached)

iv. Install emergency shower in wet chemistry lab

   Emergency Shower for lab is purchased. (Invoice attached)

v. The firm is advised calibration of QC equipment from PNAC certified firm for extremal calibration.

We are calibrating our equipment's from PCSIR which is a PNAC registered organization.

vi. The firm is advised to participate in PT testing.

We prepared SOP for this purpose and started contact with NABL LABs for inter laboratory comparison (ILC) sop and email attached

(List of batches supplied to Government is attached)

Prayer;

We UNIS PHARMACEUTICAL IND LTD has supplied thousands of batches of various products large volume parental or antibiotics, these products are in bulk and in millions of bottles since 2014 non-stop and vigorously. The PH issue is very unlikely and reported for the first time ever and the management of UNISA took serious note about the matter and the said visiting team endorsed the developments made by Unisa in the report. Since after these changes, no single batch of metronidazole provide above from JUNE,2024 has not been reported with either low volume or any other issue like PH. This reflects the seriousness of the team of UNISA and has successfully controlled the situation with results in front of you.

We are of the request that, please consider the issue has been rectified and results are proven. However, sympathy may be granted and all cases may be closed, as a local manufacturer to promote industrialization and local product manufacturing for servicing the nation from local manufacturer.

We hereby enclose the following requisite documents.

1. Research Papers Annex-A
2. Corrective and Preventive action report Annex-B
3. Findings and Nc's by the Inspection team as S.NO 7 of letter

   (sops ,invoice and delivery challan attached)

4. DTL reports for the year 2023-2024

Case is placed before the Board.

Summary:

Manufacturing Date: 01-2023

Expiry Date: 12-2024

Sampling Date: 07-02-2023

Sent to DTL (Form 6): 08-02-2023

Date of receipt in DTL: 09-02-2023

DTL Report Date: 19-04-2023

Time Extension: granted in 259th meeting

1ST DI Communication with firm on dated: 08-05-2023

Date of Retesting Request of Firm: 12-05-2023

Fate of Retesting Request: -allowed in 23rd

Investigation Report Dated: 19-08-2023

History (Last 03 Years): Product: 06 subject reported case, Firm: 16 cases reported (4 NIH Standard).

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 6

PQCB/R-351, R-352/2023

District Headquarter Hospital, District Kasur

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan** through its Chief Executive, Aqib Ismail 2. Aqib Ismail — Chief Executive 3. Kamran Khan — Production Incharge 4. Ahmad Raza — Quality Control Incharge/ Warrantor of M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, District Headquarter Hospital Kasur, District Kasur reported that:

i. She, on 02-02-2023, inspected the premises of Main Medicine Store District Headquarter Hospital Kasur, District Kasur, took nine different types of drug samples on Form No.04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory Lahore vide memorandum no. 156056 & 156057 both dated 02-02-2023.

ii. The following drug samples after test/analyses were declared as **Substandard** by Government Analyst Drug Testing Laboratory **Lahore**, as detailed below:

Sr No	Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
1	Infusion. UNIZOL [Metronidazole 500mg/ 100ml] **Mfg Date:** Jan 2023 **Expiry Date:** Dec 2024	3012243	M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.	01-10194000431/DTL dated 03-04-2023	**Analysis with specifications applied: BP 2022** **PHYSICAL DESCRIPTION**: Colorless liquid in sealed plastic infusion bottle having label pasted on it, and presented with no leakage and hanger at base. Claimed volume=100ml **EXTRACTABLE VOLUME**: Determined: 102mL Limit: NLT nominal volume, i.e., 100ml (COMPLIES) **ASSAY OF METRONIDAZOLE**:

	Regn No. 075545				Stated= 500mg/100ml Limit= 95-110% of the stated amount Determined= 486.50mg/100ml Percentage= 97.30% (COMPLIES) **pH:** Limit= 4.5-6.0 **Determined:= 4.21 at 24.4** **(DOES NOT COMPLY)** **STERILITY TEST**: The sample is STERILE (COMPLIES) **BACTERIAL ENDOTOXINS TEST**: The sample complies the Endotoxin limit of Not more than 3.5 IU/ml of solution A i.e. (5mg/ml). (COMPLIES) **RESULT**: The above sample is **SUB-STANDARD,** on the basis of pH test performed as per BP.
2.	Infusion. UNIZOL [Metronidazole 500mg/ 100ml] **Mfg Date:** Jan 2023 **Expiry Date:** Dec 2024 **Regn No.**	3012244	M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.	01-10194000432/DTL dated 03-04-2023	**Analysis with specifications applied: BP 2022** **PHYSICAL DESCRIPTION**: Colorless liquid in sealed plastic infusion bottle having label pasted on it, and presented with no leakage and hanger at base. Claimed volume=100ml **EXTRACTABLE VOLUME**: Determined: 102mL Limit: NLT nominal volume, i.e., 100ml (COMPLIES) **ASSAY OF METRONIDAZOLE**: Stated= 500mg/100ml

	075545				Limit= 95-110% of the stated amount Determined= 496.13mg/100ml Percentage= 99.23% (COMPLIES) **pH:** Limit= 4.5-6.0 **Determined:= 4.24 at 23.1** **(DOES NOT COMPLY)** **STERILITY TEST**: The sample is STERILE (COMPLIES) **BACTERIAL ENDOTOXINS TEST**: The sample complies the Endotoxin limit of Not more than 3.5 IU/ml of solution A i.e. (5mg/ml). (COMPLIES) **RESULT**: The above sample is **SUB-STANDARD,** on the basis of pH test performed as per BP.

iii. Storekeeper Main Medicine Store District Headquarter Hospital Kasur, District Kasur provided invoice/warranty bearing No. 0202385 dated 30-01-2023 issued by M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan as a proof of its purchase of both drug samples.

iv. Warrantor portions of subject drug samples were sent to M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

v. Copies of test/analyses reports were sent to M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan with directions to explain their position and provide requisite information in this regard. In response, the firm challenged the test/analysis reports of both the drug samples and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

Previous Proceedings & Decision by the Board: (Regarding Retest Request)

23rd Committee Meeting of the Board held on 18-07-2023

2. The subject request for retesting of the drug sample was placed before the Committee Provincial Quality Control Board (PQCB) Punjab under section 22 of the Drugs Act 1976 in its **23rd meeting** held on **18-07-2023** under the Convenorship of Director General of Drug Control. Mr. Rab Nawaz GM of Unisa Pharmaceuticals appeared before the Committee of Provincial Quality Control Board to plead the case. The Secretary PQCB apprised that Drug Testing Laboratory report conveyed by the Provincial inspector of Drugs to manufacturer vide. 138/DI dated 15-04-2023 booked on 18-04-2023 delivered to delivery office Akora Khattak dated 20-04-2023 according to Pakistan Post tracker (RGL107451413) firm

replied on 28-04-2023 vide Ref No. UPIL/QC/100 DATED 28-04-2023 and provide information which is not complete. In response to second letter of DI vide letter no 143/DI dated 06-05-2023 firm requested for retesting delivered at delivery office Akora Khattak on 08-05-2023 according to Pakistan Post tracker (RGL 107452094)

3. The office of the Secretary Provincial Quality Control Board asked the firm to adduce evidence in controversion of Govt. Analyst Test Report vide letter No. PQCB/P-319-4/2023 & PQCB/P-319-4/2023 dated 07-06-2023 and to provide all relevant raw data, observations and calculations regarding QC analysis of batch release (Legible copy of complete BMR of the above -mentioned batch) and firm provided relevant data.

4. After the scrutiny of the case record, the Committee observed that the Firm has requested for retesting of the subject drug on **27th day** instead of 10 days and is time barred Under Section 22 (4) of the Drugs Act, 1976 (as amended) whereas, it is clearly stated that:

> "Notwithstanding anything contained in any other law for the time being in force, any document purporting to be a report signed by a Government Analyst shall be admissible as evidence of the facts stated therein without formal proof and such evidence shall be conclusive unless the person from whom the sample was taken or the said warrantor has, within ten days of the receipt of a copy of the report notified in writing to the Inspector or [Provincial Quality Control Board or, as the case may be, the Central Licensing Board or the Registration Board or the Drug Court] before which any proceedings in respect of the sample are pending that he intends to adduce evidence in contravention of the report".

5. The Committee was apprised about the judgement of Honorable Justice Ayesha A. Malik in WP No.75695/2019. Relevant part of the order is as below:

"So far as the basic contention of the Petitioner that the delay of filing the application for re-testing should have been condoned, it is noted that Section 22(4) prescribes for a period of 10 days to file the application for re-testing. The Petitioner admittedly filed the application on the 11th day. Even though there is a delay of just one day, the Provincial Quality Control Board has no discretion to condone the delay. The application must be made in accordance with the stipulated time and since the statute does not provide for any power to condone this delay, or extend the time, nor is the Limitation Act is applicable to the Act, hence the Petitioner's basic contention that the delay can be condoned or that the Petitioner has a right to have the delay condoned is without merit".

6. The Secretary PQCB was further apprised that Primary & Secondary Healthcare Department, Government of the Punjab challenged the order of the honorable Justice Shahid Karim Lahore High Court, Lahore, dated 08.09.2020 passed in the W.P. No. 40067/2020 (M/S. Bloom Pharmaceuticals (Pvt) Ltd, vs POP) in the Honorable Supreme Court of Pakistan in which time barred request of the firm was allowed vide CP No.1692-L/2020. The Honorable Supreme Court set aside the aforementioned order of the Lahore High Court Lahore. The relevant part of the judgement passed by the bench comprising of Mr. Justice Manzoor Ahmad Malik; Mr. Justice Sayed Mansoor Ali Shah; Mr. Justice Amin-ud-Din Khan.is as below:

"The view expressed by the High Court that the board, etc. does not enjoy any such discretion in the matter of re-testing the drug is not correct. We, therefore, set aside the impugned judgement and direct the Board etc. or (where ever the matter is pending) to decide the request of the respondent accused, in accordance with law and in the light of this judgement, by passing a speaking order within a month from the receipt of this order".

"For the above reasons, the impugned order passed by the High Court are set aside and these petitions are converted into appeals and allowed in the above terms"

7. The Committee after due deliberation unanimously decided to **turn down** the subject request for retesting of the sample, as the request was time barred Under Section 22 (4) of the Drugs Act, 1976 (as amended). The Committee further directed the Drug Inspector of the concerned area to expedite investigation of the subject case and submit final report for consideration by the Board.

Previous Proceedings & Decision by the Board: (Regarding Retest Review)

269th meeting held on 03-10-2023

8. The subject review petition was placed before the Provincial Quality Control Board (PQCB) Punjab under section 22 of the Drugs Act 1976 in its **269th meeting** held on **03-10-2023** under the Chairmanship of. Secretary Primary and Secondary Healthcare Department Punjab Mr. Rab Nawaz GM of Unisa Pharmaceuticals appeared before Provincial Quality Control Board to plead the case. The Board after careful perusal of the case record observed that the case has already been discussed at length by the Board in its 23rd meeting held on 18-07-2023. The Board further observed that the firm did not provide any new grounds/justification in review petition on the result of pH Test and is time barred.

9. The Board further scrutinized all the relevant data submitted by the Government Analyst regarding the test /analysis and observed that Government Analyst has fulfilled all requirements of the test protocol as described in the British Pharmacopeia. Moreover, after revamping the Drug Testing Laboratories of the Punjab are testing the drug samples according to the International Standard of the test / analysis and all these laboratories are ISO 17025:2017 Certified and are of WHO prequalified as well. Keeping in view the foregoing facts of the case, the Board after due deliberation and discussion unanimously decided to **Turn Down** the subject review petition and **upheld the previous decision** as taken in **23rd meeting.** The Board further directed the Drug Inspector of the concerned area to expedite investigation of the subject case and submit final report for consideration by the Board.

10. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/ Sale of Substandard drugs**

b. **Issuance of false warranty**

11. Show-cause notice(s) issued to accused person(s) dated 22-01-2024

Firm submitted written reply to the show cause notice vide letter no. UPIL/QC/173&174 dated 02-02-2024

Reference to your letter No. PQCB/R-351, 352/2023 dated 22-01-2023, received on 01-02-2024 from Provincial Quality Control Board Punjab, regarding cited subject we humbly submit that:

*1. We checked **retention sample** in our record and found of standard quality*

*2. **Improper storage conditions** may also affect the chemical behavior of the product, resulting in change of the pH of the product.*

*3. **We calibrate our pH meter** on daily basis with standard quality buffers. External calibration is also performed.*

*4. Our analytical method is **validated**.*

*5. Our product Unizol B. No. 3012243 and 3012244 according to DTL report is of standard quality on the basis of **biological and chemical tests except pH**, which **deviates only in close decimal points** from the standard i-e 0.29 (limit 4.5-6 and as per DTL report pH observed is 4.21) and 0.26 (limit 4.5-6 and as per DTL report pH observed is 4.24) respectively, which neither have any effect on the stability of the product nor any pharmacological and physiological adverse effects on human body in any way, which is scientifically proven by the following facts.*

*a) The pH of an I.V (intravenous) solution can be from **3 to 7.5** while our product pH is 4.21 for B. No. 3012243 and 4.24 for B. No. 3012244 as per DTL report. Its mean the PH of our product is in safe range*

of intravenous infusion (for reference paper of Bristol Myers squib is attached: A study of the Osmolarity and pH of Subcutaneous drug infusion solution)

b) Furthermore Metronidazol Dry injection after reconstitution the PH of the solution is from 0.5 to 2.0 and after that we dilute it in the solution of 0.9% saline, Dextrose 5% or Lactated ringers all these products have ***PH Range 3.0 to 6.0 4.0 To 6.5*** *and addition of a solution like 0.5 to 2.0 will further reduced the PH. but the solution is* ***safe for the use****.*

c) Metronidazol Followed ***First Order reactions*** *in both acidic and alkaline conditions and exhibited maximum stability at pH 4-----6. As the pH of our Product is more than 4.0 and is in safe range.*

d) The solubility of ***Metronidazol in acidic solution is greater than other pH*** *which is approx. 64.8mg ml and approximately 10mg/ml at pH 2.5---8.0; it means the lower PH does not affect the solubility of product.*

Conclusion. *The above data shows that pH of Metronidazol this year (June 2023 to June 2024) to Govt. of Punjab and are declared of standard quality by DTL Punjab, which shows that we have* ***validated and improved manufacturing system****. The details are hereby enlisted in below table. The standard analytical reports of this supply are hereby attached for your kind perusal and record.*

Government Supply Unizol-(2023-2024)

S. No	BATCH #	Product	DTL	TRA Number	Remarks	Cartons	Bottles
1	3042204	UNIZOL	MUZAFFARGARH	01-105003047	Standard quality	342	27360
2	3042205	UNIZOL	MUZAFFARGARH	01-105003048	Standard quality	290	23200
3	3042206	UNIZOL	MUZAFARGARH	01-105003046	Standard quality	348	27840
4	3082234	UNIZOL	GM ABD FSD	01-68026225	Standard quality	307	24560
5	3082235	UNIZOL	GM ABD FSD	01-68026226	Standard quality	130.5	10440
6	3082236	UNIZOL	DHQ FSD	01-68026481	Standard quality	311	24880
7	3082237	UNIZOL	DHQ FSD	01-68026480	Standard quality	314	25120
8	3082239	UNIZOL	JHELUM	01-74008787	Standard quality	348	27840
9	3082240	UNIZOL	JHELUM	01-74008788	Standard quality	341	27280
10	3082241	UNIZOL	JHELUM	01-74008789	Standard quality	311	24880
11	3082245	UNIZOL	DHA CHAKWAL	01-74008520	Standard quality	339	27120
12	3082246	UNIZOL	DHA CHAKWAL	01-74008521	Standard quality	342.25	27380

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13	3082247	UNIZOL	RAJANPUR	01-105004876	Standard quality	313	25040
14	3082248	UNIZOL	RAJANPUR	01-105004875	Standard quality	307	24560
15	3082249	UNIZOL	RAJANPUR	01-105004874	Standard quality	117.5	9400
16	3082250	UNIZOL	DHA SIALKOT	01-10206000422	Standard quality	330	26400
17	3082251	UNIZOL	DHA SIALKOT	01-10206000421	Standard quality	313	25040
18	3082252	UNIZOL	DHA SIALKOT	01-10206000423	Standard quality	230.75	18460
19	3092201	UNIZOL	DHA FSD	01-68026543	Standard quality	310	24800
20	3092202	UNIZOL	DHA FSD	01-68026833	Standard quality	310	24800
21	3092203	UNIZOL	DHA FSD	01-68026544	Standard quality	300	24000
23	3092204	UNIZOL	DHA FSD	01-68026545	Standard quality	105	8400
24	3092205	UNIZOL	DHA FSD	01-68026546	Standard quality	106.25	8500
25	3092207	UNIZOL	NOROWAL	01-10194003976	Standard quality	299	23920
26	3092208	UNIZOL	NOROWAL	01-10194003976	Standard quality	93	7440
27	3092209	UNIZOL	NOROWAL	01-10194003975	Standard quality	358	28640
28	3092224	UNIZOL	ALLIED FSD	01-68026885	Standard quality	301	24080
29	3092210	UNIZOL	GUJRANWALA	01-10194004176	Standard quality	294.375	23550
30	3092225	UNIZOL	ALLIED FSD	01-68026886	Standard quality	297	23760
31	3092226	UNIZOL	ALLIED FSD	01-68026887	Standard quality	303	24240
32	3092227	UNIZOL	ALLIED FSD	01-68026888	Standard quality	300	24000
33	3092228	UNIZOL	ALLIED FSD	01-68026889	Standard quality	303	24240
34	3092229	UNIZOL	TOBATEK SINGH	01-68026807	Standard quality	330	26400
35	3092230	UNIZOL	TOBATEK SINGH	01-68026808	Standard quality	330	26400
36	3092231	UNIZOL	TOBATEK SINGH	01-68026809	Standard quality	300	24000
37	3092232	UNIZOL	TOBATEK SINGH	01-68026810	Standard quality	300	24000
38	3092233	UNIZOL	TOBATEK SINGH	01-68026811	Standard quality	85.5	6840
39	3092234	UNIZOL	SAHIWAL	01-10097005710	Standard quality	263	21040
40	3092235	UNIZOL	SAHIWAL	01-10097005711	Standard quality	262	20960
41	3092236	UNIZOL	GUJRAT	01-94000134	Standard quality	250	20000
42	3092237	UNIZOL	GUJRAT	01-94000135	Standard quality	250	20000
43	3092256	UNIZOL	LAYYAH	01-68027247	Standard quality	323	25840
44	3092257	UNIZOL	LAYYAH	01-68027246	Standard quality	325.75	26060
46	3092259	UNIZOL	OKARA	01-10194005134	Standard quality	318	25440
51	3092264	UNIZOL	OKARA	01-10194005133	Standard quality	288.25	23060
52	3092265	UNIZOL	CHINOT	01-10194005129	Standard quality	280	22400
53	3102201	UNIZOL	MUZAFAR GARH	01-114000718	Standard quality	287	22960
54	3102202	UNIZOL	MUZAFAR GARH	01-114000719	Standard quality	287	22960
55	3102203	UNIZOL	MUZAFAR GARH	01-114000720	Standard quality	286	22880
56	3102204	UNIZOL	MUZAFAR GARH	01-114000721	Standard quality	288	23040
57	3102205	UNIZOL	MUZAFAR GARH	01-114000745	Standard quality	284.5	22760
	TOTAL					14352.63	1148210

The above table is self-explanatory, which reflects the commitment and strive to supply standard products to institutions. More than 1.1 million bottles of standard quality in supplies of 2023-2024 have proven our commitment to quality. Since 2015 onwards our company has experience to work with your prime organization, where more than 50 million bottles are of standard quality. In wake of the above we humbly request to the honorable board to have a sympathetic decision and oblige.

12. Personal hearing notice(s) issued to accused person(s) dated 26-02-2024

13. Case is placed before the Board for decision.

Summary:

(For Both Batches)

Manufacturing Date: Jan 2023

Expiry Date: Dec-2024

Sampling Date (Form 4): 02-02-2023

Sent to DTL (Form 6): 02-02-2023

Date of receipt in DTL: 03-02-2023

DTL Report Date (Form 7): 03-04-2023

Time Extension: Not Time Barred [Reporting Days: 60]

1ST DI Communication with firm on dated: 15-04-2023

Retesting Request of Firm: Yes (17-05-2023; In response to second letter of DI)

Fate of Firm's Retest Request: Turn Down in 23rd Committee Meeting (18-07-2023)

Firm's Review Request: Yes (09-09-2023)

Fate of Firm's Review Request: Turn Down; Previous Decision Upheld in 269-M (03-10-2023)

Investigation Report Dated: 05-09-2023

History (Last 03 Years): Product: 06 subject reported case, Firm: 16 cases reported (4 NIH Standard).

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 7

PQCB/R-350/2023

THQ Hospital Pattoki, District Kasur

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan** through its Chief Executive, Aqib Ismail 2. Aqib Ismail — Chief Executive 3. Kamran Khan — Production Incharge 4. Ahmad Raza — Quality Control Incharge/ Warrantor of M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, THQ Hospital Pattoki, District Kasur reported that:

i. He, on 02-02-2023, inspected the premises of Main Medicine Store THQ Hospital Pattoki District Kasur, took nine different types of drug samples on Form No.04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory Lahore vide memorandum no. 156387 dated 04-02-2023.

ii. The following drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Lahore**, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Repo Result
Infusion. UNIZOL	3012239	M/S Unisa Pharmaceuticals	01-10194000493/DTL	**Analysis specifications**

[Metronidazole 500mg/ 100ml] **Mfg Date:** Jan 2023 **Expiry** **Date:** Dec 2024 **Regn No.** 075545		Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.	dated 03-04-2023	**applied: BP 2022** **PHYSICAL DESCRIPTION**: Colorless liquid sealed plastic infu bottle having pasted on it, presented with leakage and hang base. Clai volume=100ml **EXTRACTABLE VOLUME**: Determined: 102m Limit: NLT non volume, i.e., 100m (COMPLIES) **ASSAY METRONIDAZO :** Stated= 500mg/10 Limit= 95-110% the stated amount Determined= 504.50mg/100ml Percentage= 100. (COMPLIES) **pH:** Limit= 4.5-6.0

				Determined:= at 23.4 **(DOES N COMPLY)** **<u>STERILITY TES</u>** The sample STERILE (COMPLIES) **<u>BACTERIAL ENDOTOXINS TEST</u>**: The sample com the Endotoxin lim Not more than IU/ml of solutio i.e. (5mg (COMPLIES) **RESULT**: The a sample is **<u>S</u> <u>STANDARD,</u>** on basis of **pH** performed as per I

iii. Storekeeper Main Medicine Store District Headquarter Hospital Kasur, District Kasur provided invoice/warranty bearing No. 0202310 dated 24-01-2023 issued by M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

v. A copy of test/analysis report was sent to M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan with directions to explain their position

and provide requisite information in this regard. In response, the firm challenged the test/analysis report of the drug sample and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

vi. Pursuant to the request of M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan the retesting request of the subject drug sample was considered in the 22nd Committee Meeting of the Board held on 21-06-2023 and the subject drug sample was sent to NIH, Islamabad, from where the sample was declared **Sub-standard** as detailed below:

Name of drug	**Batch no.**	**Name of manufacturer**	**NIH Test Report No. & Date**	**NIH Test Report Results**
Infusion Unizol (Metronidazole 500mg/ 100ml)	3012239	M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan	No. 0141-P/2023 dated 1st Aug, 2023	**pH:** **Determined:** 4.2 ± 0.06 **Limit:** 4.5 – 6.0 **Does not comply with BP-2017.** **CONCLUSION:** The sample is of **Sub-Standard** quality on the basis of test performed.

2. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/ Sale of Substandard drug**

b. **Issuance of false warranty**

3. Show-cause notice(s) issued to accused person(s) dated 22-01-2024

Firm submitted written reply to the show cause notice vide letter no. UPIL/QC/172 dated 02-02-2024

Reference to your letter No. PQCB/R-350/2023 dated 22-01-2023, received on 01-02-2024 from Provincial Quality Control Board Punjab, regarding cited subject we humbly submit that:

*1. We checked **retention sample** in our record and found of standard quality*

*2. The **same B.No 3022239** is supplied to Toba Tek Sing and is of standard quality per DTL report of Faisalabad Drug Testing Laboratory.*

*3. **Improper storage conditions** may also affect the chemical behavior of the product, resulting in change of the pH of the product.*

*4. **We calibrate our pH meter** on daily basis with standard quality. External calibration is also performed.*

*5. Our analytical method is **validated**.*

*6. Our product according to NIH report is of standard quality on the basis of biological and chemical tests except pH, which **deviates only in close decimal points** from the standard i-e 0.30 (limit 4.5 6 and as per NIH report pH observed is 4.20.) which neither have any effect on the stability of the product nor any pharmacological and physiological adverse effects on human body in any way, which is scientifically proven by the following facts.*

*a) The pH of an I.V (intravenous) solution can be from 3 to 7.5 while our product pH is 4.20 as per NIH report. Its mean the **PH of our product is in safe range of intravenous** (tor reference paper of Bristol Myers squib is attached: A study of the Osmolarity and pH of Subcutaneous drug infusion solution)*

b) Furthemore Metronidazol Dry injection after reconstitution the PH

of the solution is from 0.5 to 2.0 and after that we dilute it in the solution of 0.9% saline, Dextrose 5% or Lactated ringers all these products has PH Range 3.0 to 6.0, 4.0 To 6.5 and addition of a solution like 0.5 to 2.0 will further reduced the PH. but the solution is safe for the use. (For reference document of PFIZER Flaygel IV)

e) ***Metronidazol Followed First Order reactions*** *in both acidic and alkaline conditions and exhibited maximum stability at pH 4-----6. International Journal of biological and international science) As the pH of our Product is more than 4.0 and is in safe range.*

d) The ***solubility of Metronidazol in acidic solution*** *is greater than other pH which is approx. 64.8mg ml and approximately 10mg/ml at pH 2.5---8.0; it means the lower PH does not affect the solubility of product For reference paper attached and at lower pH no chance of crystallization).*

Conclusion. *The above data shows that pH of Metronidazol higher than 4.20 is in safe limits. Although our product pH is less than 4.5, but in safe limit i.e. higher than 4.0.*

7. We have supplied millions of bottles including Metronidazol this year (June 2023 to June 2024) to Government of Punjab and are declared of standard quality by DTL Punjab, which shows that we have ***validated and improved manufacturing system****. The details are hereby enlisted in below table. The standard analytical reports of this supply are hereby attached for your kind perusal and record.*

Government Supply Unizol-(2023-2024)

S. No	BATCH #	Product	DTL	TRA Number	Remarks	Cartons	Bottles
1	3042204	UNIZOL	MUZAFFARGARH	01-105003047	Standard quality	342	27360
2	3042205	UNIZOL	MUZAFFARGARH	01-105003048	Standard quality	290	23200
3	3042206	UNIZOL	MUZAFARGARH	01-105003046	Standard quality	348	27840
4	3082234	UNIZOL	GM ABD FSD	01-68026225	Standard quality	307	24560
5	3082235	UNIZOL	GM ABD FSD	01-68026226	Standard quality	130.5	10440
6	3082236	UNIZOL	DHQ FSD	01-68026481	Standard quality	311	24880
7	3082237	UNIZOL	DHQ FSD	01-68026480	Standard quality	314	25120
8	3082239	UNIZOL	JHELUM	01-74008787	Standard quality	348	27840
9	3082240	UNIZOL	JHELUM	01-74008788	Standard quality	341	27280
10	3082241	UNIZOL	JHELUM	01-74008789	Standard quality	311	24880
11	3082245	UNIZOL	DHA CHAKWAL	01-74008520	Standard quality	339	27120
12	3082246	UNIZOL	DHA CHAKWAL	01-74008521	Standard quality	342.25	27380

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13	3082247	UNIZOL	RAJANPUR	01-105004876	Standard quality	313	25040
14	3082248	UNIZOL	RAJANPUR	01-105004875	Standard quality	307	24560
15	3082249	UNIZOL	RAJANPUR	01-105004874	Standard quality	117.5	9400
16	3082250	UNIZOL	DHA SIALKOT	01-10206000422	Standard quality	330	26400
17	3082251	UNIZOL	DHA SIALKOT	01-10206000421	Standard quality	313	25040
18	3082252	UNIZOL	DHA SIALKOT	01-10206000423	Standard quality	230.75	18460
19	3092201	UNIZOL	DHA FSD	01-68026543	Standard quality	310	24800
20	3092202	UNIZOL	DHA FSD	01-68026833	Standard quality	310	24800
21	3092203	UNIZOL	DHA FSD	01-68026544	Standard quality	300	24000
23	3092204	UNIZOL	DHA FSD	01-68026545	Standard quality	105	8400
24	3092205	UNIZOL	DHA FSD	01-68026546	Standard quality	106.25	8500
25	3092207	UNIZOL	NOROWAL	01-10194003976	Standard quality	299	23920
26	3092208	UNIZOL	NOROWAL	01-10194003976	Standard quality	93	7440
27	3092209	UNIZOL	NOROWAL	01-10194003975	Standard quality	358	28640
28	3092224	UNIZOL	ALLIED FSD	01-68026885	Standard quality	301	24080
29	3092210	UNIZOL	GUJRANWALA	01-10194004176	Standard quality	294.375	23550
30	3092225	UNIZOL	ALLIED FSD	01-68026886	Standard quality	297	23760
31	3092226	UNIZOL	ALLIED FSD	01-68026887	Standard quality	303	24240
32	3092227	UNIZOL	ALLIED FSD	01-68026888	Standard quality	300	24000
33	3092228	UNIZOL	ALLIED FSD	01-68026889	Standard quality	303	24240
34	3092229	UNIZOL	TOBATEK SINGH	01-68026807	Standard quality	330	26400
35	3092230	UNIZOL	TOBATEK SINGH	01-68026808	Standard quality	330	26400
36	3092231	UNIZOL	TOBATEK SINGH	01-68026809	Standard quality	300	24000
37	3092232	UNIZOL	TOBATEK SINGH	01-68026810	Standard quality	300	24000
38	3092233	UNIZOL	TOBATEK SINGH	01-68026811	Standard quality	85.5	6840
39	3092234	UNIZOL	SAHIWAL	01-10097005710	Standard quality	263	21040
40	3092235	UNIZOL	SAHIWAL	01-10097005711	Standard quality	262	20960
41	3092236	UNIZOL	GUJRAT	01-94000134	Standard quality	250	20000
42	3092237	UNIZOL	GUJRAT	01-94000135	Standard quality	250	20000
43	3092256	UNIZOL	LAYYAH	01-68027247	Standard quality	323	25840
44	3092257	UNIZOL	LAYYAH	01-68027246	Standard quality	325.75	26060
46	3092259	UNIZOL	OKARA	01-10194005134	Standard quality	318	25440
51	3092264	UNIZOL	OKARA	01-10194005133	Standard quality	288.25	23060
52	3092265	UNIZOL	CHINOT	01-10194005129	Standard quality	280	22400
53	3102201	UNIZOL	MUZAFAR GARH	01-114000718	Standard quality	287	22960
54	3102202	UNIZOL	MUZAFAR GARH	01-114000719	Standard quality	287	22960
55	3102203	UNIZOL	MUZAFAR GARH	01-114000720	Standard quality	286	22880
56	3102204	UNIZOL	MUZAFAR GARH	01-114000721	Standard quality	288	23040
57	3102205	UNIZOL	MUZAFAR GARH	01-114000745	Standard quality	284.5	22760
	TOTAL					14352.63	1148210

The above table is self-explanatory, which reflects the commitment and strive to supply standard products to institutions. More than 1.1 million bottles of standard quality in supplies of 2023-2024 have proven our commitment to quality. Since 2015 onwards our company has experience to work with your prime organization, where more than 50 million bottles are of standard quality. In wake of the above we humbly request to the honorable board to have a sympathetic decision and oblige.

4. Personal hearing notice(s) issued to accused person(s) dated 26-02-2024

5. Case is placed before the Board for decision.

Summary:

Manufacturing Date: Jan-2023

Expiry Date: Dec-2024

Sampling Date (Form 4): 02-02-2023

Sent to DTL (Form 6): 04-02-2023

Date of receipt in DTL: 06-02-2023

DTL Report Date (Form 7): 03-04-2023

Time Extension: Not Time Barred

1ST DI Communication with firm on dated: 10-04-2023

Retesting Request of Firm: Yes (25-04-2023)

Fate of Firm's Retest Request: Allowed in 22nd Committee Meeting (21-06-2023)

NIH Test Report: 01-08-2023 (Substandard)

Investigation Report Dated: 04-09-2023

History (Last 03 Years): Product: 06 subject reported case, Firm: 16 cases reported (4 NIH Standard).

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 8

PQCB/R-367/2023

Data Gunj Baksh Town, District Lahore

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan** through its Director, Aqib Ismail 2. Aqib Ismail — Director 3. Kamran Khan — Production Incharge 4. Ahmad Raza — Quality Control Incharge/ Warrantor of M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Wagha Town/ Data Gunj Baksh Town, District Lahore reported that:

i. The then drug inspector Data Gunj Baksh Town, on 10-04-2023, inspected the premises of Main Medicine Store, CEO (Health) Office Lahore, took fourteen different types of drug samples on Form No.04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory Lahore vide memorandum no. 163483 dated 11-04-2023.
ii. The following drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Lahore**, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
Infusion Unisol-10 (Glucose 10 %W/V infusion) [Each 100ml contains Glucose anhydrous BP 10.0 g, water for injection … q.s] **Mfg Date:**	3024614	M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.	01-129005293 /DTL Dated: 10-06-2023	**Analysis with specifications applied: BP 2022** **DESCRIPTION**: COLORLESS LIQUID IN SEALED TRANSPARENT PLASTIC INFUSION BOTTLE WITH LABEL PASTED ON IT, WITH HANGER AT BASE AND NO LEAKAGE. CLAIMED VOLUME=1000 ML **pH:** Limit:3.5-6.5 Determined:4.4 at 23.5°C **EXTRACTABLE VOLUME**: Stated: Not Less Than Nominal volume i.e; 100mL

Feb 2023 **Expiry Date:** Jan 2026 **Regn No.** 073392				DETERMINED UNIT 1: 970mL; UNIT 2: 960mL; UNIT 3: 970mL; UNIT 4: 970mL; UNIT 5: 970mL; UNIT 6: 970mL **(DOES NOT COMPLY)** **STERILITY TEST**: The Sample is Sterile. **ENDOTOXIN TEST:** The Sample complies the limit of 0.25 IU/mL. **ASSAY**: Stated: 10.0g/100mL Determined: 9.913g/100mL Percentage: 99.13% Limit: 95.0-105.0% of Stated amount **RESULT**: The above sample is **SUB-STANDARD**, on the basis of **EXTRACTABLE VOLUME** test performed as per BP.

iii. Storekeeper Main Medicine Store, CEO (Health) Office Lahore provided invoice/warranty No. 0204154 dated 26-03-2023 issued by M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan as a proof of its purchase of the subject drug sample.

iv. Warrantor portion of subject drug sample was sent to M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

v. Copies of test/analysis report was sent to M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan with directions to explain their position and provide requisite information in this regard. In response, the firm **challenged the test/analysis report** of the drug sample and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

Previous Proceedings & Decision by the Board: (Regarding Retest Request)

26th Committee Meeting held on 11-10-2023

2. The subject request for retesting of the drug sample was placed before the Committee of Provincial Quality Control Board (PQCB) Punjab under section 22 of the Drugs Act 1976 in its **26th meeting** held on **11-10-2023** under the Convenorship of Director General of Drug Control.Mr. Rab. Nawaz GM of Unisa Pharmaceuticals appeared before the Committee of Provincial Quality Control Board to plead the case. The Secretary PQCB apprised that Drug Testing Laboratory report conveyed by the Provincial inspector of Drugs to manufacturer vide letter No: 171/DC/DGBT dated 20-06-2023. Manufacturer requested for retesting vide letter No. Ref no. UPIL/QC/121 dated 26-06-2023. The office of the Secretary Provincial Quality Control Board asked the firm to adduce evidence in controversion of Govt. Analyst Test Report vide letter No. PQCB/ P-564,566,567-6/2023 dated 19-07-2023 and to provide all relevant raw data, observations and calculations regarding QC analysis of batch release (Legible copy of complete BMR of the

above -mentioned batch and firm provided relevant data.

3. The Committee thoroughly scrutinized the evidence submitted by the firm regarding the data of **Extractable Volume Test** of the product. The Committee observed that extractable volume of Infusion Unisol-10 (Glucose 10 %W/V infusion) is less (970ml) than the limit i.e. NLT 1000 ml and if the volume of the product is less than active ingredients is not properly dissolve and it affect the therapeutic effect of product Contrarily, **the data submitted by the firm in controversion to the Government Analyst report regarding the Extractable volume test of subject drug was not according to the protocol as given in the BP 2022.** Moreover, after revamping the Drug Testing Laboratories of the Punjab are testing the drug samples according to the International Standard of the test/analysis and all these laboratories are ISO 17025:2017Certified and are of WHO prequalified.as well The Committee after due deliberation and discussion, unanimously decided to **turn down** The Committee further directed the Drug Inspector of the concerned area to expedite investigation of the subject case and submit final report for consideration by the Board.

4. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/ Sale of Substandard drugs**

b. **Issuance of false warranty**

5. Show-cause notice(s) issued to accused person(s) dated 15-02-2024

6. Personal hearing notice(s) issued to accused person(s) dated 26-02-2024

7. Case is placed before the Board for decision.

Summary:

Manufacturing Date: Feb 2023

Expiry Date: Jan-2026

Sampling Date (Form 4): 10-04-2023

Sent to DTL (Form 6): 11-04-2023

Date of receipt in DTL: 13-04-2023

DTL Report Date (Form 7): 10-06-2023

Time Extension: Not Time Barred

1ST DI Communication with firm on dated: 20-06-2023

Retesting Request of Firm: 26-06-2023

Fate of Firm's Retest Request: Turn Down in 26th Committee Meeting (11-10-2023)

Investigation Report Dated: 15-12-2023

History (Last 03 Years): Product: 01 subject reported case, Firm: 16 cases reported (4 NIH Standard).

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 9

PQCB/R-365, 366/2023

Data Gunj Baksh Town, District Lahore

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan** through its Director, Aqib Ismail 2. Aqib Ismail — Director 3. Kamran Khan — Production Incharge 4. Ahmad Raza — Quality Control Incharge/ Warrantor of M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Wagha Town/ Data Gunj Baksh Town, District Lahore reported that:

i. The then drug inspector Data Gunj Baksh Town, on 10-04-2023, inspected the premises of Main Medicine Store, CEO (Health) Office Lahore, took fourteen different types of drug samples on Form No.04 for the purpose of test/analysis and sent the subject drug samples to Drug Testing Laboratory Lahore vide memorandum no. 163494, 163495 & 163483 all dated 11-04-2023.
ii. The following drug samples after test/analysis were declared as **Substandard** by Government Analyst Drug Testing Laboratory **Lahore**, as detailed below:

Sr. No.	Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
1	Infusion Unisol-NS [Sodium Chloride 0.9 % W/V Intavenous Infusion B.P.] Each 100mL Contains Sodium Chloride B.P. 0.9 g, Water for Injection q.s **Mfg Date:**	3022232	M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.	01-129005268 /DTL Dated: 10-06-2023	**Analysis with specifications applied: BP 2022** **DESCRIPTION**: COLORLESS LIQUID IN SEALED TRANSPARENT PLASTIC INFUSION BOTTLE WITH LABEL PASTED ON IT, WITH HANGER AT BASE AND NO LEAKAGE. CLAIMED TO BE STERILE AND NON-PYROGENIC. CLAIMED VOLUME=100 ML **EXTRACTABLE VOLUME**: Stated: Not Less Than Nominal volume i.e; 100mL DETERMINED UNIT 1 | UNIT 2

	Feb 2023 **Expiry Date:** Jan 2026 **Regn No.** 073394				84mL | 86mL **(DOES NOT COMPLY)** **STERILITY TEST**: The Sample is Sterile. **ENDOTOXIN TEST:** The Sample complies the limit of 0.25 IU/mL. **ASSAY**: Stated: 0.9g/100mL Determined: 0.94g/100mL Percentage: 104.71% Limit: 95.0-105.0% of Stated amount **RESULT**: The above sample is **SUB-STANDARD**, on the basis of **EXTRACTABLE VOLUME** test performed as per BP.
2.	Infusion Unisol-NS [Sodium Chloride 0.9 % W/V Intavenous Infusion] Each 100mL Contains Sodium Chloride B.P. 0.9 g, Water for Injection q.s **Mfg Date:** Feb 2023 **Expiry Date:** Jan 2026 **Regn No.** 073394	3022233	M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.	01-129005267 /DTL Dated: 10-06-2023	**Analysis with specifications applied: BP 2022** **DESCRIPTION**: COLORLESS LIQUID IN SEALED TRANSPARENT PLASTIC INFUSION BOTTLE WITH LABEL PASTED ON IT, WITH HANGER AT BASE AND NO LEAKAGE. CLAIMED VOLUME=100 ML **EXTRACTABLE VOLUME**: Stated: Not Less Than Nominal volume i.e; 100mL DETERMINED UNIT 1 | UNIT 2 | UNIT 3 94mL | 96mL | 96mL **(DOES NOT COMPLY)** **STERILITY TEST**: The Sample is Sterile. **ENDOTOXIN TEST:** The Sample complies the limit of 0.25 IU/mL. **ASSAY**:

					Stated: 0.9g/100mL Determined: 0.88g/100mL Percentage: 97.73% Limit: 95.0-105.0% of Stated amount **RESULT**: The above sample is **SUB-STANDARD**, on the basis of **EXTRACTABLE VOLUME** test performed as per BP.

iii. Storekeeper Main Medicine Store, CEO (Health) Office Lahore provided invoice/warranty No. 0203942 dated 26-03-2023 for products mentioned at Serial No. 1 & 2, issued by M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan as a proof of its purchase of the subject drug samples.

iv. Warrantor portions of subject drug samples were sent to M/s Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan.

v. Copies of test/analysis reports were sent to M/S Unisa Pharmaceuticals Industries Ltd., Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan with directions to explain their position and provide requisite information in this regard. In response, the firm **challenged the test/analysis report** of the drug sample and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

Previous Proceedings & Decision by the Board: (Regarding Retest Request)

26th Committee Meeting held on 11-10-2023

2. The subject request for retesting of the drug sample was placed before the Committee Provincial Quality Control Board (PQCB) Punjab under section 22 of the Drugs Act 1976 in its **26th meeting** held on **11-10-2023** under the Convenorship of Director General of Drug Control.Mr. Rab. Nawaz GM of Unisa Pharmaceuticals appeared before the Committee of Provincial Quality Control Board to plead the case. The Secretary PQCB apprised that Drug Testing Laboratory report conveyed by the Provincial inspector of Drugs to manufacturer vide letter No: 171/DC/DGBT dated 20-06-2023. Manufacturer requested for retesting vide letter No. Ref no. UPIL/QC/121 dated 26-06-2023. The office of the Secretary Provincial Quality Control Board asked the firm to adduce evidence in controversion of Govt. Analyst Test Report vide letter No. PQCB/ P-564,566,567-6/2023 dated 19-07-2023 and to provide all relevant raw data, observations and calculations regarding QC analysis of batch release (Legible copy of complete BMR of the above -mentioned batch and firm provided relevant data.

3. The Committee thoroughly scrutinized the evidence submitted by the firm regarding the data of **Extractable Volume Test** of the product. The Committee observed that extractable volume of Infusion Unisol-10 (Glucose 10 %W/V infusion) is less (970ml) than the limit i.e. NLT 1000 ml and if the volume of the product is less than active ingredients is not properly dissolve and it affect the therapeutic effect of product Contrarily, **the data submitted by the firm in controversion to the Government Analyst report regarding the Extractable volume test of subject drug was not according to the protocol as given in the BP 2022.** Moreover, after revamping the Drug Testing Laboratories of the Punjab are testing the drug samples according to the International Standard of the test/analysis and all these laboratories are ISO 17025:2017Certified and are of WHO prequalified.as well The Committee after due deliberation and discussion, unanimously decided to **turn down** The Committee further directed the Drug Inspector of the concerned area to expedite investigation of the subject case and submit final report for consideration by the Board.

4. The Drug Inspector requested for grant of permission for prosecution against the above-

mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/ Sale of Substandard drugs**

b. **Issuance of false warranty**

5. Show-cause notice(s) issued to accused person(s) dated 15-02-2024

6. Personal hearing notice(s) issued to accused person(s) dated 26-02-2024

7. Case is placed before the Board for decision.

Summary:

For all 2 Batches

Manufacturing Date: Feb 2023

Expiry Date: Jan-2026

Sampling Date (Form 4): 10-04-2023

Sent to DTL (Form 6): 11-04-2023

Date of receipt in DTL: 13-04-2023

DTL Report Date (Form 7): 10-06-2023

Time Extension: Not Time Barred

1ST DI Communication with firm on dated: 20-06-2023

Retesting Request of Firm: 26-06-2023

Fate of Firm's Retest Request: Turn Down in 26th Committee Meeting (11-10-2023)

Investigation Report Dated: 15-12-2023

History (Last 03 Years): Product: 06 subject reported case (03 NIH Standard), Firm: 16 cases reported (04 NIH Standard.

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 10

PQCB/R-420/2022

Sir Ganga Ram Hospital, District Lahore

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Unisa Pharmaceuticals, Main GT Road, Adam Zai, Akora Khattak, Nowshera, KPK-Pakistan** through its Chief Executive Officer Aqib Ismail. 2. Aqib Ismail Chief Executive Officer 3. Kamran Khan Production Incharge 4. Ahmed Raza Quality Control Incharge/Warrantor of M/S Unisa Pharmaceuticals, Main GT Road, Adam Zai, Akora Khattak, Nowshera, KPK-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sir Ganga Ram Hospital, Lahore reported that:-

i. He, on 10-05-2022 inspected the premises of Main Medicine Store, Sir Ganga Ram Hospital, Lahore and took sample of subject drug on Form No. 4 for the purpose of test and analysis and sent to Drug Testing Laboratory, Lahore vide memo no. 0000125770 dated 10-05-2022.
ii. The following drug sample, after test/analysis was declared as **Substandard** by Government Analyst, Drug Testing Laboratory, **Lahore** as detailed below: -

Name of Drug	Batch No.	Manufacturer	DTL Report	DTL Test Report Result
Infusion Unirectic-20 [Mannitol-20G/100ml (500ml)] **Mfg. Date** 03-2022 **Exp. Date**: 02-2024 **Reg#** 091340	2036831	M/S Unisa Pharmaceuticals, Main GT Road, Adam Zai, Akora Khattak, Nowshera, KPK-Pakistan	01-177001136/ DTL dated: 22 Jul 2022	**Result of test/ analysis with specifications applied USP 2021** **PHYSICAL APPEARANCE:** Colorless liquid in sealed plastic infusion bottle with no leakage and hanger at base and label pasted on it. **EXTRACTABLE VOLUME:** Limits: NLT Nominal volume: i.e., 500ml Determined Volume: **470ml** **Not complies** **pH:** Limit: 4.5-7.0 Determined: 5.93 at 25.2C **IDENTIFICATION OF MANNITOL:**

				Mannitol identified. **ASSAY OF MANNITOL** Stated: 20g/100ml Determined: 20.24g/100ml Percentage 101.18% Limit: 95-105.0% of the stated amount. **STERILITY:** The sample is sterile. **RESULT: The above sample is Substandard on the basis of Extractable volume test performed as per USP.**

iii. The Store Keeper, Main Medicine Store, Sir Ganga Ram Hospital, Lahore provided invoice/warranty No 12030 dated 19-04-2022 issued by M/S Unisa Pharmaceuticals, Main GT Road, Adam Zai, Akora Khattak, Nowshera, KPK.
iv. Warrantor Portion was sent to M/S Unisa Pharmaceuticals, Main GT Road, Adam Zai, Akora Khattak, Nowshera, KPK.
v. A copy of Test/ Analysis report was sent to M/S Unisa Pharmaceuticals, Main GT Road, Adam Zai, Akora Khattak, Nowshera, KPK and they were directed to provide requisite information in this regard.

2. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/sale of Substandard Drug**
b. **Issuance of false warranty**

3. Show Cause/ Personal hearing Notice issued to the accused dated 06-05-2024

Previous Proceeding & Decision by the Board:

280th meeting held on 16-05-2024

4. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **280th meeting** held on **16-05-2024** under the chairmanship of Special Secretary (Operations)/ Vice chairperson PQCB Primary & Secondary Healthcare Department Punjab. Mr. Hassan Saeed, Secretary DQCB, District Lahore and Ms. Sadia Rana, Drug Inspector Sir Ganga Raam Hospital, District Lahore was present along with the original case record. No one among the nominated accused person was present. However, Mr. Rab Nawaz (General Manager) of M/s Unisa Pharmaceuticals Ltd, appeared before the Board and submitted that only a minor deviation in the volume is observed in the subject product whereas the assay of mannitol and other tested parameters are fully compliant. He assured the Board of firm's rectification measures by enhancing in-process checks to remove the possibility of any variation in the future. He further requested the Board for a lenient view stating that approximately 4 million stock supplied by the firm for the year 2023-2024 has been declared of standard quality which proves that firm has improved its system by rectifying the subject non-conformity.

5. The Board after careful perusal of the case record and scrutiny of DTL report observed that the subject drug sample Infusion Unirectic-20 [Mannitol-20g/100ml (500ml)], Batch No. 2036831 has been declared substandard by the Drugs Testing Laboratory, Lahore on the basis of observation of lesser than the stated limit of volume of the sample. The

extractable volume was observed to be 470ml, whereas volume should not be less than the stated limit of 500ml. The Board was of the opinion that the volume in the subject batch of Infusion Uniretic-20 is noticeably lesser than the stated limits and is not insignificant at all.

6. The Board was of unanimous opinion that the observation of non-compliance of key parameter of extractable volume in the subject case, necessitates the need to dig out its root cause and to rule out any deviation in the quality control or assurances procedures. The Board further observed that cases of similar nature of Infusion Unisol-10 & Infusion Unisol-NS were placed in 277th Meeting of Provincial Quality Control Board Punjab held on 07-03-2024 wherein the Board decided to constitute a committee to conduct Product Specific Inspection (PSI) of **M/s Unisa Pharmaceuticals Industries Ltd.,** Hence, the Board unanimously decided to **pend the subject case** and to conduct **Product Specific Inspection (PSI)** of **M/s Unisa Pharmaceuticals Industries Ltd.,** Main G.T Road, Adam Zai, Akora Khattak Nowshera, K.P.K Pakistan with directions to club the subject case in terms of inspection with the aforementioned cases with similar committee, comprising of following members:

1.	**Dr. Muhammad Munawar Hayat** Member PQCB	Convener
2.	**Mr. Waseem Mahmood** Director Operations PQCB	Member

7. Furthermore, the Board directed the committee to submit its report in this regard at earliest which will be then placed before the Board for decision of the case. Moreover, the drug inspector is directed to retain an appropriate portion for Court purposes and dispose-off the remaining stock having Expiry date of Feb-2024 (if not recovered and seized on Form-3 & Form-5) from Expired Drug Disposal Committee (EDDC) of health facilities already constituted vide PSHD notification No. SO (HP) 2-9(2)/2021 dated 14-February, 2022 and PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively.

PSI Report and firm's corresponding response has already been pasted in case no. R-259/2023

8. Personal hearing Notice issued to the accused dated 22-10-2024

9. Case is placed before the Board for decision.

Sr. No.	**SUMMARY OF THE CASE**	
1	**Sampling Date (Form 4)**	10-05-2022
2	**Sample Sent to DTL (Form-6)**	10-05-2022
3	**Issuance of DTL Report**	22-07-2022
4	**Time Extension**	Granted in 247-M dated 21-07-2022
5	**DI First Communication with Firm**	08-09-2022

6	**Retesting Request**	No
7	**Investigation Report by DI**	24-02-2023
8	**Show Cause Notice Issued**	06-05-2024
9	**History (3 years)**	Firm’s Reported: 16 (Including 4 NIH Standard)
		Product’s Reported: 2 (1 NIH Standard)

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 11

PQCB/MSS-194251/2024

DHQ Hospital Mandi Bahauddin

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Lisko Pharmaceuticals (Pvt) Ltd, L-10 D Block-21, F.B Industrial Area, Karachi** through its Managing Director/ Chief Executive Officer M. Muzammil Nazar 2. M. Muzammil Nazar — Managing Director/ Chief Executive Officer 3. Ghulam Nabi Khoso — Production Incharge 4. Naima Khanam — Quality Control Manager/ Warrantor Of **M/s Lisko Pharmaceuticals (Pvt) Ltd, L-10 D Block-21, F.B Industrial Area, Karachi**

BRIEF FACTS OF THE CASE:

Provincial Inspector of drugs, DHQ Hospital Mandi Bahauddin reported that:-

i. He, on 07-03-2024, inspected Main Medicine DHQ Hospital Mandi Bahauddin, took sample of six different types of drugs on Form No.04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory, Faisalabad vide memorandum No. 0000194251 dated 08-03-2024.

ii. Following drug sample, after test/analysis, was declared **Substandard** by Government Analyst, Drug Testing Laboratory, **Faisalabad** as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report TRA No. & Date**
Suspension Parapol 120ml (Paracetamol 120 mg/5ml)	048-24	M/s Lisko Pharmaceuticals (Pvt) Ltd, L-10 D Block-21, F.B Industrial Area, Karachi	TRA 01-68029101/DTL dated 08-05-2024 by DTL-Faisalabad

Specification applied: USP 2024/Others/In-House

DESCRIPTION:

Pinkish red viscous liquid having bitter taste, contained in amber colored plastic bottle with sealed plastic screw cap, packed in outer hard carton.

NOTE: Manufacturer specifies, "Pinkish Red Sweet Suspension" in its method of analysis but given sample is "Pinkish red bitter liquid" that does not comply the physical characteristics. (Does not Comply)

IDENTIFICATION Paracetamol is identified

ASSAY

(By HPLC)

Stated: 120 mg / 5ml

Determined: 125.8788 mg / 5ml

Percentage: 104.899 % (Complies)

Limit: 90 - 110% of the labeled amount of acetaminophen.

pH

Stated: 4.0 - 6.9

Determined: 5.33 at 24.0 °C (Complies)

DELIVERABLE VOLUME

Stated: The average volume of liquid obtained from the 10 containers is NLT 100%, and the volume of no container is less than 95% of the volume declared in the labeling.

Determined: 123.6 ml (Average volume of 10 containers) (Complies)

TEST FOR DIETHYLENE GLYCOL AND ETHYLENE GLYCOL IN ORAL LIQUIDS

By Gas Chromatography:

Test	Acceptance criteria (m/m)	Result	Remarks	Reference
Ethylene Glycol	NMT 0.10 %	Not detected	Complies	WHO Working document QAS/23.922/rev3 31 October 2023
Diethylene Glycol	NMT 0.10 %	0.00019 %	Complies	WHO Working document QAS/23.922/rev3 31 October 2023

RESULT: **Given sample is Sub-Standard with regards to physical characteristics.**

iii. Store Keeper Main Medicine DHQ Hospital Mandi Bahauddin provided invoice/DC/warranty bearing No. 000152 dated 06-09-2023 issued by M/s Lisko Pharmaceuticals (Pvt) Ltd, L-10 D Block-21, F.B Industrial Area, Karachi as a proof of its purchase of the said drug.

iv. Warrantor Portion of the drug sample was sent to M/s Lisko Pharmaceuticals (Pvt) Ltd, L-10 D Block-21, F.B Industrial Area, Karachi and they were asked to provide requisite information in this regard.

v. A copy of test report was sent to M/s Lisko Pharmaceuticals (Pvt) Ltd, L-10 D Block-21, F.B Industrial Area, Karachi and they were asked to provide requisite information in this regard.

vi. In response, the firm challenged the test/analysis report of the drug sample and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

vii. Pursuant to firm's retesting request the Committee of Provincial Quality Control Board in its 41^{sr} Committee meeting held on 27-06-2024, after due deliberation and discussion unanimously decided to **Turn Down** the retesting request of the subject drug sample and further directed the Drug Inspector of the concerned area to expedite investigation of the subject case and submit final report for consideration by the Board.

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976/ DRAP Act 2012 and Rules framed there under by the way of :-
    i. **Manufacture for sale/ Sale of Substandard drug**
    ii. **Issuance of false warranty**
3. Show cause notice(s) issued to accused person(s) on 27-09-2024.

4. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date: 07-2023**
- **Exp. Date: 07-2025**
- **Sampling date (Form 4): 07-03-2024**
- **Sent to DTL (Form 6): 08-03-2024**
- **Date of receipt in DTL: 11-03-2024**
- **DTL Report Date (Form 7): 08-05-2024**
- **DI 1st intimation to firm: 14-05-2024**
- **Retesting request if any: 06-06-2024**
- **Fate of Retesting: Turned Down in 41st Committee meeting dated 27-06-2024**
- **Investigation report Dated: 22-08-2024**
- **Permission of SCN: 285th meeting dated 26-09-2024**
- **SCN Issued: 27-09-2024**
- **Reply of the firm: No**
- **History (2021 onwards): Firm: 110 cases**
- **Product: 87 cases**

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 12

PQCB/MSS-199514, 199517, 199520, 199523, 199516, 199515,199519, 199518, 199510, 199511, 199522,199512, 199509, 199521, 199524, 199513/ 2024

Government Medical Store Depot, Lahore

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/s Lisko Pakistan Pvt. Ltd. L-10D Block-21, F.B. Industrial Area, Karachi** through its Managing Director Muzamil Nazar 2. Muzamil Nazar — Managing Director 3. Ghulam Nabi Khoso — Production In-charge 4. Naima Khanam — Quality Control In-charge/ Warrantor Of **M/s Lisko Pakistan Pvt. Ltd. L-10D Block-21, F.B. Industrial Area, Karachi.**

BREIF FACTS OF THE CASE

Provincial Inspector of Drugs, Government Medical Store Depot, Lahore reported that:

i. He, on 25-05-2024, inspected the premises of Govt. Sub-Medical Store Depot, Maraka, Multan Road, Lahore and took drug samples on Form No. 4 for the purpose of test/analysis and sent to Drug Testing Laboratory, Bahawalpur vide memo no. 199514, 199517, 199520, 199523, 199516, 199515,199519, 199518, 199510, 199511, 199522,199512, 199509, 199521, 199524, 199513 dated 25-05-2024.

ii. Following drug samples, after test/analysis were declared as **Substandard** by Government Analyst, Drug Testing Laboratory, **Bahawalpur** as detailed below:

Sr. No.	Name of drug	Batch no.	Name of manufacturer	DTL Report No. & Date	DTL Test Report Results
1.	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :**	080-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	01-10097008756/ /DTL 15-07-2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.**

	Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772				**As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.8ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 121.58 mg/5ml (101.32 %)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc Propylene Glycol.** **WHO Working Document** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 10.77%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
2	Suspension Parapol Paediatric Suspension 120ml	083-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial	10097008759/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg**

	(Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772		Area, Karachi		**PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms "A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.7°C** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 123.26 mg/5ml (102.72%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc Propylene Glycol.** **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 10.197%**

					RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character
3	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	086-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008762/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.9°C** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 124.27 mg/5ml (103.56%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc Propylene Glycol.** **WHO Working Docume** **QAS/23.922/rev3 Dated 31 Oct 2023**

					Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.40%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
4	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	089-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008765/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms "*A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase.*"** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 25.0ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 127.34 mg/5ml (106.12%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc**

					Propylene Glycol. **WHO W** **Document** **QAS/23.922/rev3 Dated 31 Oct** **2023** **Ethylene Glycol:** **Diethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.21%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
5	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	082-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008758/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms "*A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase.*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.9°C** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 122.83 mg/5ml (102.36%)**

					Limit 90.0-110.0% **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Diethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.06%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Characteristics.**
6	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	081-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008757/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms "*A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase.*"** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9**

					Determined: 5.5 at 24.1º **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 122.68 mg/5ml (102.23%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docume** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 10.89%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
7	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml)	085-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	1009700876/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further**

	Mfg. Date : Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772				**packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase.*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.4ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 127.03 mg/5ml (105.86%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docume** **QAS/23.922/rev3 Dated 31 Oct 2023**
					Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected** / **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.80%**
					RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Characteristics.
8	Suspension	084-	M/S Lisko	10097008760/DTL	**Specs Applied: USP 2024/Others/In house**

	Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	24	Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	dated 15.07.2024	**COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.5ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 127.29 mg/5ml (106.08%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc Propylene Glycol.** **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not** **Diethylene Glycol:** **Limit: NMT 0.1%**

					Detected | **Determined: Not Detected** **Propylene Glycol** **Determined: 10.65%** **RESULT:** **The Sample is declared as "SUB-STANDARD" on basis of Physical Characteristics.**
9	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	072-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008752/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.6 at 24.4ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 121.58 mg/5ml (101.32 %)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.**

					Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.93%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Characteristics.**
10	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	077-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008753/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 24.0°C** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml**

					Determined 125.11 mg/5ml (104.26%) **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docume** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** | **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 10.35%** **RESULT The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
11	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	088-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008764/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:**

					Limit: 4.0-6.9 **Determined: 5.5 at 24.4ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 126.53 mg/5ml (105.44%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docume** **QAS/23.922/rev3 Dated 31 Oct 2023**
					Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.93%**
					RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Characteristics.
12	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml)	078-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008754/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further**

	Mfg. Date : Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772				**packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.0ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 122.20 mg/5ml (101.83%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct** **2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 10.37%** **RESULT The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
13	Suspension Parapol Paediatric Suspension	066-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21,	10097008751/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg**

	120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772		Federal B Industrial Area, Karachi		**PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase.*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.1ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 124.46 mg/5ml (103.72 %)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc Propylene Glycol.** **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct 2023**

Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected**	**Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected**
Propylene Glycol **Determined: 10.75%**	

					RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character
14	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	087-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008763/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.8°C** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 124.45 mg/5ml (103.71%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docume** **QAS/23.922/rev3 Dated 31 Oct** **2023**

					Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 10.40%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character**
15	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	090-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008766/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms "*A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase.*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 24.5ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml** **Determined 128.39 mg/5ml (106.99%)** **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL & PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc**

					Propylene Glycol. **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct 2023** **Ethylene Glycol:** **Limit: NMT 0.1% Determined: Not Detected** **Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected** **Propylene Glycol** **Determined: 11.24%** **RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Characteristics.**
16	Suspension Parapol Paediatric Suspension 120ml (Paracetamol USP 120mg/5ml, 120ml) **Mfg. Date :** Aug-2023 **Exp. Date** : Aug-2025 **Reg. No**. 002772	079-24	M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi	10097008755/DTL dated 15.07.2024	**Specs Applied: USP 2024/Others/In house** **COMPOSITION: Each 5ml contains:** **Paracetamol USP…. 120mg** **PHYSICAL CHARACTERISTICS:** **Stated: Pinkish red sweet homogenous suspension.** **Determined: Parapol is a pinkish red, bitter viscous liquid and free from any dispersed solid particles, filled in an amber plastic bottle, sealed with a white screw cap, further packed in a labeled outer carton.** **As per USP <1151> Pharmaceutical Dosage Forms *"A suspension is a biphasic preparation consisting of solid particles dispersed throughout a liquid phase."*** **(DOES NOT COMPL** **pH:** **Limit: 4.0-6.9** **Determined: 5.5 at 23.4ºC** **IDENTIFICATION: Paracetamol is identified.** **ASSAY OF PARACETAMOL:** **Stated 120 mg/5ml**

					Determined 124.64 mg/5ml (103.87%) **Limit 90.0-110.0%** **TEST FOR ETHYLENE GLYCOL, DIETHYLENE GLYCOL &** **PROPYLENE GLYCOL BY GAS CHROMATOGRAPHY** **Note: The given sample was analyzed for Test of Ethylene Glycol, Diethylene Glyc** **Propylene Glycol.** **WHO Working Docum** **QAS/23.922/rev3 Dated 31 Oct** **2023**

Ethylene Glycol: **Limit: NMT 0.1% Determined: Not Detected**	**Diethylene Glycol:** **Limit: NMT 0.1%** **Determined: Not Detected**
Propylene Glycol **Determined: 10.64%**	

RESULT: The Sample is declared as "SUB-STANDARD" on basis of Physical Character

iii. General Manager, Government Medical Store Depot, Gulberg-III, Lahore provided invoice/ warranty No. nil, dated: 09-10-2023, 11-10-2023, 13-10-2023, 14-10-2023 & 16-10-2023 issued by M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi, as a proof of purchase.

iv. Warrantor Portion of subject drug sample was sent to M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi.

v. Copies of Test/ Analysis reports were sent to M/S Lisko Pakistan (Pvt) Ltd, L-10 D Block No. 21, Federal B Industrial Area, Karachi and they were directed to explain their position and provide the requisite information in this regard. In response, the firm requested for re-test/ analysis of the drug sample.

vi. Pursuant to the retest request of the firm, PQCB decided to turn-down the request in its 43rd committee meeting dated 29-08-2024.

2. Drug Inspector requested for grant of permission for prosecution against the above- accused persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

a. **Manufacturing for sale/ Sale of Substandard drug**

b. **Issuance of false warranty**

3. Show-cause/ personal hearing notice issued to accused person(s).

Sr.	Summary of the case	
1.	**Date of sampling**	25-05-2024
2.	**Sent to DTL**	25-05-2024
3.	**Date of receipt in DTL**	25-05-2024
4.	**Issuance of DTL Report**	15-07-2024
5.	**Time Extension**	N/A
6.	**1st DI Communication with firm**	**03-08-2024**
7.	**Retesting Request**	Yes.
8.	**Fate of retesting request**	Turn-Down 43rd Committee meeting dated 29-08-2024
9.	**Investigation Report of DI**	06-08-2024
10.	**Permission of SCN**	285th meeting dated 26-09-2024
11.	**SC/ PH Notice Issued**	22-10-2024
12.	**Reply of the firm**	No
13	**History (3 years)**	111 cases of the firm 87 cases of the product

Case is placed before the Board for decision.

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 13

PQCB R-527/2018

Sheikh Zayed Hospital, District Rahim Yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan,** through its Managing Director (MD) Ch. Muhammad Israr Sharif 2. Ch. Muhammad Israr Sharif — Managing Director (MD) 3. Azhar Hussain — Controller Production 4. Maqsood-ur-Rehman — Controller Quality Control/Warrantor of M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sheikh Zayed Hospital, Rahim Yar Khan reported that: -

i. He, on 12-02-2018 inspected the M/s Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took the sample of "Inj. Ketor 30mg/ml on Form No. 4 for the purpose of test and analysis.

ii. The drug sample, after test/ analysis was declared as **Sub-standard** by Government Analyst, Drug Testing Laboratory, Bahawalpur as detailed below: -

Name of Drug	Batch No.	Name of Manufacturer	DTL Report	DTL Test Report Result
Injection Ketor 30mg/ml [Ketorolac Tromethamine 30mg/ml]	056I161	M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.	01-01010760/DTL dated: 07 April 2018	**Result of test/ analysis with specifications applied: USP 2015** **DESCRIPTION:** Colorless liquid in transparent glass sealed ampoule. 03 out of 20 ampoules containing undissolvable visible particulate matter (**Does not comply with the parenteral specifications.**) **VOLUME:** Stated: 1ml Determined: 1.06ml **pH:** Limit: 6.9-7.9

				Determined: 7.6 **STERILITY:** The product is sterile. **ASSAY** **Stated** **Determined** **Percentage** Ketorolac 30mg/ml 29.12mg/ml 97.07% Tromethamine LIMIT: 90---110% **RESULT:** The sample is **Sub-standard** on the basis of Physical Test.

iii. A copy of Test/ Analysis report was sent to Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan. Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan, provided invoice/warranty No. CIN-00030129, dated 23-01-2018 issued by M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, for the said drug, as a proof of their purchase.

iv. Warrantor portion of drug sample was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

v. A copy of test/analysis report was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, with directions to explain their position and provide requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there under by the way of: -

i. 1. i. **Manufacturing for sale/selling of Sub-standard Drug.**

ii. **Issuance of false warranty**

Previous proceeding regarding retesting request

188th meeting held on 28-6-2018

Firm's subject request for retesting of the drug sample was considered by PQCB in its 188th meeting held on 28-6-2018. Board decided to turn down the subject request for retesting of the drug sample being devoid of merit.

Firm filed review petition vide letter no. RP-02-2017--KTM01-2018/Genix dated 07-11-2018 through counsel

5th meeting held on 17-1-2019

Then subject review petition was considered by Committee of PQCB in its 5th meeting held on 17-1-2019. Committee decided to turn down the subject review petition and uphold its previous decision taken in 188th meeting of PQCB.

The firm again filed a review petition against the decision of the committee of PQCB on earlier filed review petition of the firm through the counsel Dr. Khawaja Tahir Mehmood.

203rd meeting held on **29-03-19**.

The subject request of firm for rehearing was considered by Provincial Quality Control Board (PQCB) under section 11 of the Drugs Act 1976 in its **203rd** meeting held on **29-03-19**.

Secretary PQCB apprised the Board about the facts of the case and informed that the case is placed before the Board as a special issue on the request of the firm for rehearing as the firm's review petition has already been considered by the committee of the PQCB in its 5th meeting held on 17-01-2019 and the firm was given fair opportunity of hearing. Now the firm has requested for rehearing before the full Board against the decision of committee of PQCB on earlier filed review petition of the firm.

- In view of above, the Board after detailed discussion and deliberation, unanimously decided to **decline the request of the firm for rehearing** before PQCB against the decision of the committee of PQCB as the review petition was already decided by the committee of PQCB entrusted with powers and functions provided under sub-section 4 and sub-section 5 of section 22 of the Drug Act 1976 (as amended)

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.25125/2019

Genix Pharma (Pvt.) Ltd. Versus Government of Punjab & others

29.04.2024

Learned counsel for the petitioner seeks to withdraw this petition as the sample which was required to be retested has expired and no useful purpose would be served by deciding this petition.

Disposed of.

3. Show cause notice(s) issued to the accused.

Firm submitted Written reply of Show cause

We requested you to please refer our matter to the federal Drug Lab (NIH) under section 22(5) of drug act 1976. Although

the product is expired but the decision is still pending.

Name of Chief Executive Officer/Managing Director (**Chaudry Muhammad Israr Shareef**)

Name of Production Incharge (Syed Faiz-ul-Haq)

Name of Quality Control Charge **(Maqsood Ur Rehman**)

Name of Warrantor **(Maqsood Ur Rehman)**

That company supplied injection Ketor 30mg Ketorolac tromethamine/ ml Batch No. 056I161. 057I161. 058I161 & 059I161 to SZH Hospital Rahim yar Khan vide invoice/warranty. The samples of these batches were taken by the inspector from medicine store of the aforesaid Hospital for the purpose of test/analysis on 12.2.2018. He had sent this sample to Government Analyst, Drug Testing laboratory Bahawalpur for test /analysis who submitted Test /Analysis reports under Section 22 of the Drugs act 1976. It is added that DI did not recover/ seize any injection on Form No.5 which is an evidence that no particulate matter was present in the Injection Ketor 30mg Ketorolac Tromethamine/ml Batch No. 0561160 at the time of taking sample on 12.02.2018.

All the correspondence of company with Inspector and PQCB related to Retesting Request under Section 22 (4 & 5) may please be taken as an integral part of the following submissions

1. That Genix Pharma (Private) Limited was founded in the year 2004 with the vision to help and provide top quality and affordable medicine for all those in need. Since inception, Genix has grown from being a relatively humble contender to being one of the fastest growing companies in the Pakistani Pharmaceutical Arena. Having the best human capital, coupled with a state-of-the-art manufacturing facility spanning over 175,000 sq. feet and the prime focus on quality, the company aim to become the benchmark in the pharmaceutical industry. The product line ranges from specialty products to OTC medicines, as we believe in providing a wide range of products to cater to the needs of all types of requirements. The company is making an ever-increasing contribution to the export exchequer of Pakistan by exporting medicines to more than 20 countries including Afghanistan, Sri Lanka, Ivory Coast and African Countries. Genix is strongly committed to its responsibility towards community and patients. Genix products bring a promise of QUALITY, and ensure smooth and flawless operations at its facility with local manufacturing in compliance with global quality standards that are strictly maintained and followed meticulously at every level in the process of manufacturing. Therefore, **INTENTION TO ADDUCE EVIDENCE IN CONTROVERSION TO THE ABOVE TEST ANALYSIS REPORT was NOTIFTED & 1. DECLARED AS PER REQUIREMENT OF SECTION 22(4) OF THE DRUG ACT 1976**. This written notified intention was based upon concrete + credible evidence. So, the above subject reports had become **NON-CONCLUSIVE** after this notification of intention to adduce evidence as per prescribed requirement of Section 22 (4) of the Drug Act 1976. The request for retesting submitted under Section 22(5) of the Drug Act 1976 was contested upto the level of Review Petition directed against the Oder No. PQCB/R - 155,156. 158, 159 -04/18 Dated 31.07.2018 dispatch date 11.08.2018 of Rejecting Application submitted U/s 22(4) & 2(5) of the Drugs Act 1976 for Sending Sample to Appellate Laboratory for Retesting. The requests of Retesting was rejected unlawfully by committee of PQCB constituted for consideration of Request Of Retesting. The Quorum of this committee was not complete.

   The company had submitted the Request for hearing before **full PQCB,** after recalling Back dated, **UNLAWFUL** & NON-SPEAKING PQCB Committee's order No. PQCB/R-155,156,158,159-4/2018 Dated 17.101.2019 for Rejection of Review Petition No. RP-04-KTM01- dated 22.10.2018 against Decision of Rejecting Application of Retesting Ketor Injection (30mg Ketorolac Tromethamine/ml Injection 75mg/3ml Batch No. 056I161, 057I161. 058I161 & 059I161 Taken in its Meeting held on 28.6.2018 (M/s Genix Pharma Pvt Ltd, 44-45 B, Korangi Creek Road Karachi. This request is still lying pending before the PQCB.

2. That report is non-conclusive + unlawful as full protocols the test applied to reach the conclusion and Result of disputed drug as substandard have not been given in the. Test Report No. 0169001390/ DTL dated 29.08/2019. **The approved Method of Analysis which describes the full requirement including appropriate preparation of Samples for Drug and Standard, Process for HPLC and filters etc, was provided to PQCB**. The honorable Supreme Court has held in case reported as **2019 SCM 930** "Report of the Government Analyst must contain Protocol. The term "protocol" has not been defined in the Rules, Its dictionary meaning is: "**A plan of scientific experiment or other procedure. It is also**

referred to as "the precise method for carrying out or reproducing a given experiment. These definitions are in line with the elaboration of the term "protocol" given in case of Imam Bakhsh wherein the Court stated the expression " protocol" to mean an explicit plan of an experiment, procedure or test. It is clarified that "protocol is, therefore, a recognized standard method or plan for carrying out the test applied to ascertain the nature of the substance under examination. No test can take place without a protocol. The Report of the Government Analyst must show that the test applied was in accordance with a recognized standard protocol. **Any test conducted without a protocol loses its reliability and evidentiary value.** Therefore, to serve the purposes of the Act and the Rules, the Report of the Government Analyst must contain

i. The Tests Applied

ii. The Protocols Applied To Carry Out These Tests

iii. The Result Of The Test(s),

The single bench of Lahore High Court has held that Reports of Analyst has to be conclusive and must disclose the tests applied to formulate opinion of Government Analyst. There is always likelihood of errors in Tests/analysis report which would be of adverse consequence and definitely affects substantial rights of a persons. Therefore, the description of the experiment including method evaluating standards/ results must be Crystal clear whenever report would be disputed. **Reliance on PLD 2003 Lah**. The honorable Single Judge relied on these judgments in the reported cases-Gyanendra Nath Mittal v. State AIR 1959 All. 634; S. Dutta and another. The DB Judgments of Peshawar High Court and Quetta High Court had also held that report without protocol were fatally defective and unlawful. **Reliance on 1996 P Cr.L.J 1183 (Peshawar). 115, PL 2012 Cr.C. (Quetta) 546 (DB)** 3. That the section 32(3) of the Drugs Act 1976 require that it must be ascertained that drug while in possession of purchaser, was properly stored and remained in the same state as when he had acquired it from manufacturer. No doubt improper storage conditions outside labelled instructions, may adversely affect the quality of the drug physically and chemically Potency and the state of certain drugs, was depended to some extent upon conditions in which they were required to be stored and had actually been stored prior to test by the concerned laboratory Nobody know that whether storage conditions were compliant to section 32 of the Drugs Act 1976 during the process of sampling. Transport and storage. Reasonable possibility of sample obtained by the Drug Inspector and subsequently sent to the Laboratory having been deteriorated due to its improper storage after purchase from the manufacturers not ruled out Accused, held, entitled to the benefit of doubt and the convictions and sentence were set aside. **Reliance 1985 P Cr. L. J 281. 1984 P Cr. LJ 1580**. The manufacturer is not liable for any contravention if something goes wrong due to inadequate storage condition outside prescribed labelled direction.

4. That Noncompliance to Section 19 (3) related to statutory requirement of sending warrantor's portion within seven days, is **an illegality**. The Warrantor's portion has not been sent to the manufacturer within statutory period of seven days as prescribed under Section 19(3) (v) of the Drugs Act 1976. The non-observance to said procedure is **highly doubtful and is an illegality**. Recently, the PQCB has unanimously dropped a Case No. PQCB R-577-09/2016 related to Infusion Dorcip Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DTL Report. TRA. No. 1077/DTL Dated: 22-09-2016. The PQCB had observed that this case was fit for prosecution on the basis of report. But this case was DROPPED as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19 (3) of the Drug Act 1976. PQCB members may kindly compare the present case with the **IGNORED CASE** of Infusion Dorcip ascertain level of potential and real clinical Risks/ADR, + Both cases are similar with the ignored case may differentiated as of more severity. It is added that the author of the SCN has not mentioned date of dispatch/receipt of Warrantor 's portion in Para-iv due to reason bets known to him

5. That there is un-explained inordinate delay in processing of this case as 1122 days have been consumed during time period between Sampling on 12.02.2018 and issuance of SCN on 10.03.2021. It is highly suspicious and creates uncertainties+ doubts.

6. That perusal of the report TRA No. 01-01010760/DTL Date 07.04.2018 related to Ketor Injection 30mg Ketorolac Tromethamine/ ml Batch No. 0561161 shows that Assay of therapeutically active substance Ketorolac Tromethamine determined 97.07%% within the approved Limit 90-110%. All other tests are also in compliance to the approved standard. A drug could not be declared as substandard when it meets the chemical specification''. **Reliance on DB Judgment of**

honorable Lahore High court reported as 19.92 MLD 481. The Government Analyst has declared the sample erroneously substandard on the basis of so called Visible Particulate matter. It appears that Government Analyst, Drug Testing Laboratory Bahawalpur is unacquainted about the land mark historic judgment of Division Bench of Lahore High court in Intra-Court Appeals Nos. 127 and 128 of 1989, decided on 28th October, 1991 reported in 1992 **MLD 481** whereby holding that 'A drug could not be declared as substandard when it meets the chemical specification'. The para 6 of this Judgment is crystal clear in this regard. The DB Judgment of Peshawar High court also held that drug could not be declared substandard on the basis of particle and report without protocol was fatally defective. **1996 P Cr.L.J 1183** (Peshawar).

7. That Government Analyst determined that the above sample was up to the Standard Quality as assay of drug was within the standard quality limit. However, he has declared this drug erroneously substandard based on vague expression **Visible Particulate Contamination**' Particulate matter in injections and parenteral infusions consists of extraneous mobile undissolved particles, other than gas bubbles, unintentionally present in the solutions. Similarly, products that produce air or gas bubbles when drawn into the sensor may also require microscopic particle count testing. There are basically two tests, **light obscuration,** which uses light blockage to determine the size and count of particulate matter in the solution; and **microscopic assay**, which is a measurement or un-dissolvable particles or substances present in the solution -usually plastics, metals or dust. There are basically two tests, **light obscuration**, which uses light blockage to determine the size and count of particulate matter in the solution; and **microscopic assay**, which is a measurement of un-dissolvable particles or substances present in the solution- usually plastics, **Particles** of varying sizes have been observed in inject-able drug products, such as visible and sub visible. The particles of **1-50 Micron size are known as sub visible particles and particles of >50 micron are considered as visible particles.** Visible particles are defined as those that can be detected under controlled conditions by the unaided human eye (i.e., without supplemental magnification).

Identification of the composition of the particulate matter is the first step in characterizing particulate matter risk. Based on this information, particles can be further Classified into one of three subcategories: extrinsic, intrinsic, and inherent.

a. **Extrinsic** particles are defined as those that are not part of the formulation, package, or process, but are foreign and unexpected. Examples of extrinsic particles include fibers (e.g., cellulous), clothing fragments, hair, rubber, metal plastic, and paint.

b. **Intrinsic** particles are defined as those that arise from sources related to the formulation, packaging, or processes, Examples of intrinsic particle materials include glass, stainless steel, rubber from stoppers, and gasket material.

c. **Inherent** particles are defined as materials that are expected from the drug formulation, and thus represent generally accepted characteristic of the product. Examples of inherent matter Proteinaceous aggregates metals or dust.

8. That the crucial question for legality of similar reports was evaluated in depth by honorable Division Bench of honorable Lahore High Court in case of Provincial Quality Control Board v. Irza Pharma reported as **1992 ML D 481**. **The definitions** of "Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976 were examined. It was held

A. That if the samples taken conform to the stated specifications chemically do not fall within the definition of the substandard drugs

B. That the learned single Judge rightly held the term substandard drug with particles is not known to the Drugs Act; and that is true.

C. There was nothing on the record to show, as to what is the nature of the particles found in the samples, and what are its consequences? (Whether Injurious to health).

D. That Analyst's report in question, when considered within meaning of the definitions of "Adulterated drug', Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976, the drugs tested and reported, fell outside the category of definitions of Substandard Spurious and Adulterated drugs. **The para 8 of the above Judgement is reproduced as** "From the aforesaid definition, it is evident that the Law Makers have taken note of the eventualities, implications and the nature

off the manufacturing of the drugs while making the law. Hence the law and its intension as envisaged by the Drugs Act is very sacred and clear. Unfortunately, in our country functionaries under the law misuse the same, which is nothing but malice in law. Can We allow course to perpetuate so as to leave room for rampant corruption? The obvious answer is in negative. On the other hand, this Court under its Constitutional jurisdiction as enjoined by the Constitution has to protect the observance of law as well as the bona fide exercise of the duties of the functionaries under the Statute. In this behalf, we are fortified in our view by the observations of the Supreme Court while commenting upon Article 2 of 1962 Constitution now Article 4 of 1973 Constitution in the case reported as **Malik Ghulam Jillaní v,** The Federation of Pakistan P L D 1967 SC 373. The relevant observations are added as hereunder: - "Under the Constitution of Pakistan a wholly different state of affairs prevails. Power is expressly given by Article 98 to the Superior Court to probe into the exercise of public power by executive authorities, how high so ever, to determine whether they have acted with lawful authority, The judicial power is reduced toa nullity if laws are so worded or interpreted that the executive authorities may make what statutory rules they please thereunder and may use this freedom to make themselves the final judges of their own satisfaction' for imposing restrains on the enjoyment of the fundamental rights of citizens. Article 2 of the Constitution could be deprived of all its content through this process and the Courts would cease to be guardians of the nation's liberties".

"**THE CLINICAL IMPLICATIONS** of extraneous particulate matter in injections are determined by many factors, including the size and number of particles, the composition of the material, the potential for microbiological contamination, the route of administration, the intended patient population, and the clinical condition of the patient. For example, an otherwise healthy individual receiving a subcutaneous or intramuscular injection containing sterile, inert particulates would likely experience no adverse effect or at worst would develop a small granuloma. On the other hand, a critically ill premature infant receiving a particle-laden infusion directly through umbilical catheter might suffer considerable pathophysiologic sequelae.

"**TEST VISIBLE PARTICULATES IN INJECTIONS** is intended to be applied to product that has been 100% inspected as part of the manufacturing process. Injections shall be clear and free from visible particulates when examined without magnification (except for optical correction as may be required to establish normal vision) against a black background and against a white background with illumination that at the inspection point has an intensity between 2000 and 3750 lux. This may be achieved through the use of two 15-W fluorescent lamps (e.g., FI5/T8). The use of a high-frequency ballast to reduce flicker from the fluorescent lamps is recommended Higher illumination intensity is recommended for examination of product in containers other than those made from clear glass, The method is described as "Remove any adherent labels from the container and wash and dry the outside. Gently swirl or invert the container, ensuring that air bubbles are not introduced, and observe for about 5 s in front of the white panel. Repeat the procedure in front of the black panel. Record the presence of any particles, Appendix XIII B. Particulate Contamination: Visible Particles (Ph. Eur. method 2.9.20. It is apprehended that Government Analyst did apply this method. The name of Government Analyst is not mentioned on the reports that raises doubts regarding appointment of Gazette Notified Government Analyst as per requirement of section 16 of the Drug Act 1976.

9. That without ascertaining the nature, composition and foreign source of particle, it is not possible to ascertain whether particulate matter allegedly observed by the Government Analyst is Injurious to Health as a consequence of degradation product of Ketorolac Tromethamine or a Foreign Particle coming from the environment during manufacturing process of injection or is the product of interaction between active and pharmaceutical necessities or some other source. The myths and realities about clinical correlation between alleged visible particulate matter and ADR would be explained before the PQCB if allowed during statuary personal hearing. The presence of particulate matter in injection has never been defended by the company because of Potential As well as Actual Clinical Risk + Harm + ADR. However, misuse of Particulate Matter as a Tool of Victimization is always resisted, opposed and defended.

10. That no Pre- Show Cause Notice (SCN) Scrutiny done and SCN issued in violation of rule 5. (3) The Punjab Drugs Rules, 2007 is illegal. This mandatory scrutiny would have done Justice with the applicant who has been dragged in the process of malicious prosecution. The rule reproduced as "The PQCB Shall examine a case referred to t by an Inspector and shall if an action is proposed to be taken against a person under the Act or the rules issue a show cause notice to the person and provide him an opportunity for hearing before taking the action about the prosecution of the person or recommending suspension or cancellation of his licence to the licensing authority.

11. That the para 2 of the SCN is vehement/y denied as company has not contravened any provision of the Drug Act 1976/ DRAP Act 2012 as evident from the following facts and law

The company has neither contravened section 23/27 of the Drug Act 1976 (as amended) **nor** the DRAP act 2012 and Rules framed thereunder. The case is based upon the Non-Conclusive Report of Government Analyst, as sufficient evidence in controversion to this report is available as per requirement of section 22(4) of the Drug Act 1976. 23/27 of the Drug Act 1976 is maliciously applied by omitting the specific sections. 23(1) (a-Ix, b-h, I0i-ii and (27-1) (27-2), (27-3) and (27-4). The Punjab Amendment in the Drug Act 1976 and DRAP Act 2012 not applicable simultaneously on this case because the Drug Act 1976 which is the part of Schedule VI of DRAP Act 2012 is different from the Drug Act 1976 with Punjab Amendment 2017/ 2018.

The charge of Issuance of false warranty is based upon misreading of relevant law. The warranty was issued after release of standard quality report by Quality Control Department of the company. The offence of issuance of false warranty is added to enhance punishment with malafide intention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason were available as warranty was given after release of medicines by Quality Control Department of the Company. The section 27.(2).(b) is reproduced below

27 (2) whoever himself or by any other person on his b

(a) or

(b) gives to the purchaser a false warranty in respect of any drug sold by him that the drug does not in any way contravene the provisions of section 23 and **is not able to prove that when he gave the warranty, he had good and sufficient reason to believe the same to be true**

12. That the para 3 of the SCN is responded- "The company does not agree with all the names nominated by the Inspector who has acted mechanically while using long handle of Discretion in ascertaining name of **Ch. Muhammad Israr Sharif, Managing Director** as accused, in disrespect the section 11 & 34 of the Drugs Act 1976 and Rule 5 of the Punjab Drug Rules 2007. He is not directly related to the issues under consideration as all routine operations are done without his prior knowledge and consent. The Honorable Supreme Court of Pakistan has settled the question of liability related to the company in a case reported as P L D 1978 Supreme Court 193 (Superintendent of Police, Federal Investigation Agency, Lahore and another--Appellants Versus Akhtar Hussain Bhutta--Respondent). Therefore, it would be difficult to presume that the respondent was guilty of the manufacture of the said substandard drug for and on behalf of the Company, just because he happened to be its Managing Director.

Similarly, name of **Mr. Maqsood Ur Rehman** as Quality Control In-charge has been unlawfully included/ ascertained for prosecution by Drug Inspector for the offences of Manufacturing/ Sale of Substandard and issuance of False Warranty. Because manufacturing and Quality Control Department are Distinct and Independent. The definition of manufacture under section 3 of the Drugs Act 1976 is reproduced below as reference

3(r) "manufacture" in relation to a drug, means al operations in volved in the production of the drug, including processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labeling with a view to its storaqe, sale and distribution, but does not include the compounding and dispensing or the packing of any drug in the ordinary course of retail business or on a prescription of a registered medical practitioner or dentist or of a veterinarian and "to manufacture" shall be construed accordingly

The rule 16 (e) of Drugs (Licensing, Registering and Advertising) Rules, 1976 dealing with Conditions for the grant or renewal of licence to manufacture drugs by way of formulation reproduced below

16 (e) The Quality Control Department shall be independent of the manufacturing unit and its Incharge shall be whole time employee of the manufacturer and shall possess a degree in pharmacy, or a degree in science with chemistry or a degree in medicine or pharmacology (for pharmacological testing) or a degree in microbiology (for microbiological testing) and has sufficient experience in testing of drug.

13. That not a single unit of this drug has been used on any patient. **The labelling of the drug clearly states that " Do not use if particles found in the Injection. It is added that Injection are administered under the supervision of A Professional Health Care Provider who is duty bound to administer clear injectable free from all the particulate matters.** There is a need to understand that supply of medicines to the Private market and Public Sector Government Institutions are different. The Sale to private sector does not require any pre testing by lab and purchase requires to procure medicine under a valid warranty. In government supplies the manufacturer gives warranty but the medicines are not released for use by the patient until standard quality report received from the competent legal Government Analyst. Furthermore, the manufacturer immediately receives payment while selling drugs to a purchaser in private market whereas the payment in government supplies is subjected to many checks including issuance of Standard Quality Report by the Government Analyst. It is not possible to use any Government Supply Medicine without being tested. The batches manufactured for Government Supplies are for exclusive Use of patient coming to government hospitals. No one could use government medicine without the Quality certificate/report.

14. That the maxim. **Acommuni Observantia Non EST Recedendum** (where a thing is provided to be done in a particular manner, it has to be done in that manner, and if not so done, the same would not be lawful. The maxim is applicable to the present case., It is confirmed with regrets that the special procedure/provisions prescribed under sections 11,18, 19, 22 & 32, of the Drugs Act, 1976 and Rule 5(3) of the Punjab Drug Rules 2007 have not been followed.

Kindly ignore the case as there would be no likelihood of success of this case in any Court of law. The PQCB is requested to pass speaking order by giving annulated confrontation to the defence of the company. **It is now well-settled that non-speaking order is to be discouraged and authority is required to give reasons while passing administrative as well as judicial orders.** It must supply adequate reasons for the conclusion arrived at and should reflect application of judicious mind by the Judge/ application of judicious mind by the Judge/ authority and not to be mechanical or non-speaking. Reliance, in this regard, can be placed upon Province of Sindh through Secretary Education Government of Sindh Karachi and 3 others vs Miss Salma Bano and others (**2003 SCMR 1126**), Muhammad Farooq Shah v Shakirullah (**2006 SCMR 1657**), Abdul Majeed Zafar and others v. Governor of the Punjab through Chief Secretary and others (**2007 SCMR 330**), Umar Din through L Rs. V. Mst. Shakeela Bibi and others (**2009 SCMR 29)**, Secretary Ministry of Health Government of Pakistan, Islamabad and another. Dr. Rehana Hameed and others (**2010 SCMR 511),** Government of Pakistan through Director-General Ministry of Interior Islamabad and others v. Farheen Rashid (**2011 SCMR 1)** and others vs. Messrs MFM Industries Ltd. And others v. Federation of Pakistan through Ministry of Commerce and others (**2015 SCMR 1550)**.

5. Personal Hearing notice(s) issued to accused person(s)

PREVIOUS PROCEEDING BY THE COMMITTEE:

PQCB 39th Committee Meeting dated 30-05-2024:

5. Case was considered by the Committee of Provincial Quality Control Board in **39th Committee Meeting** held on **30-05-2024** under the convenorship of Director General, Drugs Control. Mr. Rafaqat Ali, Secretary DQCB, Rahim Yar Khan and Mr. Ilyas Provincial Inspector of drugs Sheikh Zayed Hospital Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (DGM Quality Control), of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi Pakistan appeared before the Board and submitted that firm has improved its system and since 2018 many batches were passed of standard quality and requested to visit the firm.

6 The Committee after careful case record and scrutiny of DTL report observed that subject drug Injection Ketor batch no. 056I161 was declared substandard on the basis of physical test i.e., 3 out of 20 were having undissolvable visible particulate matter. The Committee is of the view that in order to dig out the root cause of the defect, the Production and Quality Control & Assurance for subject drug need to be evaluated. The Committee after due deliberation and discussion, unanimously decided to **pend the case** and club with cases **R-825, 826/2021** in which

a committee has already constituted comprising of the following members to conduct **Product Specific Inspection (PSI)** of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan and submit report for consideration by the Board.

1	**Prof. Dr. Muhammad Uzair**	**Convener**
2	**Dr. Muhammad Munawar Hayat** (Secretary PQCB, Punjab)	Member

Moreover, the drug inspector is directed to retain an appropriate portion for Court purposes and dispose-off the remaining expired stock (if not recovered and seized on Form-3 & Form-5) from Expired Drug Disposal Committee (EDDC) of health facilities already constituted vide PSHD notification No. SO (HP) 2-9(2)/ 2021 dated 14-February, 2022 and PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively.

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

No.	Case No. with year	Product	Batch #	Mfg. date	Detail result
1	**POCB/R-527/2018**	**Injection Ketor**	**0561161**	**01-2018**	**03out of 20 ampoules contains undissolved particles**
2	**PQCB/R-528/2018**	**Injection Ketor**	**0571161**	**01-2018**	**07 out of 20 ampoules contains undissolved particles**
3	**POCB/R-529/2018**	**Injection Ketor**	**0591161**	**01-2018**	**02 out of 20 ampoules contains undissolved particles**
4	**POCB/R-530/2018**	**Injection Ketor**	**0581161**	**01-2018**	**11 out of 20 ampoules contains undissolved particles**
5	**POCB/R-51/2018**	**Injection Ketor**	**0611161**	**02-2018**	**02 out of 20 ampoules contains undissolved particles**

Inspection was also conducted with reference to three (03) cases of Water for Injection, detail given below.

No.	Case No. with year	Product	Batch #	Mfg. date	Detail result
1	**POCB/R-825/2021**	**Water for Injection**	**1341019**	**02-2021**	**BET not complies**
2	**PQCB/R-826/2021**	**Water for Injection**	**1391019**	**04-2021**	**08 out of 20 ampoules contains undissolved particles & BET not complies**
3	**PQCB/R-237/2021**	**Water for Injection**	**1481019**	**07-2021**	**04 out of 20 ampoules contains undissolved particles**

- All Eight (08) samples are government supply and taken from Sheikh Zaid Hospital Rahim Yar Khan.
- All above eight (08) samples declared substandard from DTL. Bahawalpur on Clarity test basis and only two on BET test as well.
- Five (05) batches of injection Ketor manufactured in 2018.
- Three (03) batches of WFI in year 2021.

Introduction of firm

- Unit Established in 2004.
- Covered area 1,75,000 Square feet of total 4 floors.
- Currently, 11 sections of diffent pharmaceutical units.

Technical Staff

1. Syed Muhammad Noman, Technical Director.

2. Mr. Hamyun, Head Quality Assurance.

3. Syed Faiz ul Haq, GM Production.

4. Muhammad Ashraf, Deputy Director, Quality Operation.

5. Ms. Shaheen Arzoo, Visit coordinator.

Certifications of M/S Genix Pharma

- 1S0 17025:2017 (Lab No 241), PNAC, Valid until 30-08-2027 (Anex-A)
- ISO 9001:2015 (TUV Austria), Valid until 26-04-2025 (Anex-B)
- ISO 45001.2018 (TUV Austria), Valid until 27-04-2027 (Anex-C). ISO 14001:2015 (TUV Austria), ISO 14001:2015Valid until 26-04-2025 (Anex-D).

Detail of some important aspects of Unit

- Firm is having GC FID and doing testing of DEG/EG impurities in solvents In injectable section having Moduler panel imported from Thailand, having properties airtight, bacterial resistance water proof etc
- For data safety and storage, firm is having Chromatographic CDS system and backup facility.
- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
- Seven Large size Stability Chambers are available in Lab.
- Poly Urethane flooring is installed in about whole area of manufacturing

Detail of Microbial Testing in Unit

- The firm is using Cape COD kit for BET.
- The sensitivity of kit is 0.125EU/ml

Batch Manufacturing Record

- Optical Checking Results in BMR record of injection Ketor (Iml) and WFT (10ml).
- Injection Ketor Batch size 20 litres. 18180
- Sample size for optical checking at final release is 20 ampoules.

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-527/2018	Injection Ketor	0561161	120	29	23	42	0.66
2	PQCB/R-528/2018	Injection Ketor	0571161	110	16	21	33	0.60
3	POCB/R-529/2018	Injection Ketor	0591161	730	16	20	32	4.02
4	POCB/R-530/2018	Injection Ketor	0581161	130	18	20	31	0.72
5	POCB/R-51/2018	Injection Ketor	0611161	110	19	26	21	0.60

WFI batch size…….172 litres…..16800

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-825/2021	Water for Injection	1341019	560	160	58	29	3.50
2	PQCB/R-826/2021	Water for Injection	1391019	410	102	44	21	2.55
3	PQCB/R-237/2021	Water for Injection	1481019	355	145	45	40	2.11

PSI report was conveyed to M/s Genix Pharma vide letter dated 07-10-2024

M/s Genix Pharma submitted CAPA vide ref. no. Q081-10/24 dated 10-10-2024 as follows:

Findings/NCS

1. The BET area of the firm having single Buffer.

2. Liquid particle counter is used not less than 25 ml, the testing of subvisible particle in Iml, 2ml, 5ml and 10ml is not possible of available equipment.

3. The firm is advise to increase the sample size at time of final release.

4. The firm is doing practice to makeup volume upto 25 ml or 3 ampoules of 10ml and then determine the subvisible particle as per availble SOPs.

5. Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result.

6. For lux monitoring please fix a point, on optical checking table or stand.

7. Spill Kit for chemical Emergency is not installed in wet Chemistry Lab.

8. Semi automatic machine is working for waching of ampoules.

9. The firm is advised to not use word "I" in batch number which creates a doubt of "1" (one),

may be use word "P" for parentrals.

10. The firm is advise calibration of QC equipment from a PNAC certified firm for external calibratiom.

11. The Participate in PT testing.

Important to discuss in board meeting

In the DTL report, the visible particles are described as undissolved particles in all eight reports by DTL Bahawalpur.

Meaurers Taken by Firms

1. The Firm improved the analysis standard and firm purchased new HPLC and UV spectrophotometer.

2. Firm having Latest HPLC systems of Water's USA, etc.

3. The firm having ISO certifications: 9001:2015, 45001:2018, 14001:2015 and 17025: 2017

Conclusion

After careful evaluation of record and panel inspection, is of opinion that the cause of visible particle due which substandard drug was declared by DTL, is due the washing on semi-automatic machine, as there is human handling of every ampoule. However, in last 5 years, the firm imporved a lot as a whole especially in QC Lab having enough quantity of High Tech Equipments. As result of these improvement, the firm claims that their products was not declared substandard on the physical presence of visible particle in injectable.

The case is presented to the honorable Board for final decision.

No	Date	CPA/ NC No.	Observations	Action	Date implement	Doc's Comply/N
1	6-9-24	NC#1	The BET area of the firm having single Buffer.	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition) https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085	N/R	Yes
2	6-9-24	NC#2	Liquid particle	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR	N/R	Yes

			counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is not possible of available equipment.	compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate		
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes
4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible particle as per available SOPS	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular	N/R	Yes
5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes

			basis of this sample test result			
6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed in wet Chemistry	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes
8	6-9-24	NC#8	Semi-automatic machine is working for washing of ampoules.	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes
10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and assay of multiple products. "Scope of PT testing is	N/R	Yes

				attached."		

Personal hearing Notice issued to the accused.

	Summary of the case	
1	Sampling Date: (Form 4)	12-02-2018
2	Sent to DTL (Form 6):	12-02-2018
3	Date of receipt in DTL	14-02-2018
4	DTL Report date	07-04-2018
5	Time extension granted	N/A
6	1ST DI Communication with firm	25-04-2018
7	Retesting Request of Firm	25-04-2018
8	Fate of Retesting Request:	Turn down 188th M dated 28-06-2018 RP turn down 5th CM 17-01-2019 Writ petition no. 25125-19 filed by the firm and was dismissed on 29-04-2024
9	Investigation Report of DI	26-07-2018 & 27-2-2021
10	Show cause notice issued	10-03-2021
11	Reply of show cause notice dated	25-03-2021
12	**Firm History: (3years)**	Firm: 6

		Product: nil

Case is placed before the Board for Decision

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 14

PQCB R-528/2018

Sheikh Zayed Hospital, District Rahim Yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan,** through its Managing Director (MD) Ch. Muhammad Israr Sharif 2. Ch. Muhammad Israr Sharif Managing Director (MD) 3. Azhar Hussain Controller Production 4. Maqsood-ur-Rehman Controller Quality Control/Warrantor of M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sheikh Zayed Hospital, Rahim Yar Khan reported that: -

i. He, on 12-02-2018 inspected the M/s Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took the sample of "Inj. Ketor 30mg/ml on Form No. 4 for the purpose of test and analysis.
ii. The drug sample, after test/ analysis was declared as **Sub-standard** by Government Analyst, Drug Testing Laboratory, Bahawalpur as detailed below: -

Name of Drug	Batch No.	Name of Manufacturer	DTL Report	DTL Test Report Result
Injection Ketor 30mg/ml [Ketorolac Tromethamine 30mg/ml]	057I161	M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.	01-01010761/DTL dated: 07 April 2018	**Result of test/ analysis with specifications applied: USP 2015** **DESCRIPTION:** Colorless liquid in transparent glass sealed ampoule. 07 out of 20 ampoules containing undissolvable visible particulate matter (**Does not comply with the parenteral specifications.**) **VOLUME:** Stated: 1ml Determined: 1.07ml **pH:** Limit: 6.9-7.9 Determined: 7.63

				STERILITY: The product is sterile. **ASSAY** **Stated** **Determined** **Percentage** Ketorolac 30mg/ml 29.45mg/ml 98.15% Tromethamine **LIMIT: 90---110%** **RESULT:** The sample is **Sub-standard** on the basis of Physical Test.

iii. A copy of Test/ Analysis report was sent to Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan. Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan, provided invoice/warranty No. CIN-00030129, dated 23-01-2018 issued by M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, for the said drug, as a proof of their purchase.

iv. Warrantor portion of drug sample was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

v. A copy of test/analysis report was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, with directions to explain their position and provide requisite information in this regard.

Previous Proceeding regarding Retesting request

Firm's subject request for retesting *of the drug sample was considered by PQCB in its 188th meeting held on 28-6-2018. Board decided to turn down the subject request for retesting of the drug sample being devoid of merit.*

Firm filed review petition vide letter no. RP-02-2017--KTM01-2018/Genix dated 07-11-2018 through counsel

Then **subject review petition was considere**d by Committee of PQCB in its 5th meeting held on 17-1-2019. Committee decided to turn down the subject review petition and uphold its previous decision taken in 188th meeting of PQCB.

The firm again filed a review petition against the decision of the committee of PQCB on earlier filed review petition of the firm through the counsel Dr. Khawaja Tahir Mehmood.

203rd meeting held on **29-03-19**.

The subject request of firm for rehearing was considered by Provincial Quality Control Board (PQCB) under section 11 of the Drugs Act 1976 in its **203rd** meeting held on **29-03-19**.

Secretary PQCB apprised the Board about the facts of the case and informed that the case is placed

before the Board as a special issue on the request of the firm for rehearing as the firm's review petition has already been considered by the committee of the PQCB in its 5th meeting held on 17-01-2019 and the firm was given fair opportunity of hearing. Now the firm has requested for rehearing before the full Board against the decision of committee of PQCB on earlier filed review petition of the firm.

In view of above, the Board after detailed discussion and deliberation, unanimously decided to **decline the request of the firm for rehearing** before PQCB against the decision of the committee of PQCB as the review petition was already decided by the committee of PQCB entrusted with powers and functions provided under sub-section 4 and sub-section 5 of section 22 of the Drug Act 1976 (as amended)

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there under by the way of:

i. **Manufacturing for sale/selling of Sub-standard Drug.**
ii. **Issuance of false warranty.**

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.25125/2019

Genix Pharma (Pvt.) Ltd. Versus Government of Punjab & others

29.04.2024

Learned counsel for the petitioner seeks to withdraw this petition as the sample which was required to be retested has expired and no useful purpose would be served by deciding this petition. **Disposed of.**

3. Show cause notice(s) issued to the accused.

Firm submitted Written reply of Show cause

We requested you to please refer our matter to the federal Drug Lab (NIH) under section 22(5) of drug act 1976.

Although the product is expired but the decision is still pending.

Name of Chief Executive Officer/Managing Director (**Chaudry Muhammad Israr Shareef**)

Name **of Production Incharge (Syed Faiz-ul-Haq**)

Name of Quality Control Charge **(Maqsood Ur Rehman**)

Name of Warrantor **(Maqsood Ur Rehman)**

That company supplied injection Ketor 30mg Ketorolac tromethamine/ ml Batch No. 056I161. 057I161. 058I161 & 059I161 to

SZH Hospital Rahim yar Khan vide invoice/warranty. The samples of these batches were taken by the inspector from medicine store of the aforesaid Hospital for the purpose of test/analysis on 12.2.2018. He had sent this sample to Government Analyst, Drug Testing laboratory Bahawalpur for test /analysis who submitted Test /Analysis reports under Section 22 of the Drugs act 1976. It is added that DI did not recover/ seize any injection on Form No.5 which is an evidence that no particulate matter was present in the Injection Ketor 30mg Ketorolac Tromethamine/ml Batch No. 0561160 at the time of taking sample on 12.02.2018.

All the correspondence of company with Inspector and PQCB related to Retesting Request under Section 22 (4 & 5) may please be taken as an integral part of the following submissions

1. That Genix Pharma (Private) Limited was founded in the year 2004 with the vision to help and provide top quality and affordable medicine for all those in need. Since inception, Genix has grown from being a relatively humble contender to being one of the fastest growing companies in the Pakistani Pharmaceutical Arena. Having the best human capital, coupled with a state-of-the-art manufacturing facility spanning over 175,000 sq. feet and the prime focus on quality, the company aim to become the benchmark in the pharmaceutical industry. The product line ranges from specialty products to OTC medicines, as we believe in providing a wide range of products to cater to the needs of all types of requirements. The company is making an ever-increasing contribution to the export exchequer of Pakistan by exporting medicines to more than 20 countries including Afghanistan, Sri Lanka, Ivory Coast and African Countries. Genix is strongly committed to its responsibility towards community and patients. Genix products bring a promise of QUALITY, and ensure smooth and flawless operations at its facility with local manufacturing in compliance with global quality standards that are strictly maintained and followed meticulously at every level in the process of manufacturing. Therefore, **INTENTION TO ADDUCE EVIDENCE IN CONTROVERSION TO THE ABOVE TEST ANALYSIS REPORT was NOTIFTED & 1. DECLARED AS PER REQUIREMENT OF SECTION 22(4) OF THE DRUG ACT 1976**. This written notified intention was based upon concrete + credible evidence. So, the above subject reports had become **NON-CONCLUSIVE** after this notification of intention to adduce evidence as per prescribed requirement of Section 22 (4) of the Drug Act 1976. The request for retesting submitted under Section 22(5) of the Drug Act 1976 was contested upto the level of Review Petition directed against the Oder No. PQCB/R - 155,156. 158, 159 -04/18 Dated 31.07.2018 dispatch date 11.08.2018 of Rejecting Application submitted U/s 22(4) & 2(5) of the Drugs Act 1976 for Sending Sample to Appellate Laboratory for Retesting. The requests of Retesting were rejected unlawfully by committee of PQCB constituted for consideration of Request Of Retesting. The Quorum of this committee was not complete.

The company had submitted the Request for hearing before **full PQCB,** after recalling Back dated, UNLAWFUL & NON-SPEAKING PQCB Committee's order No. PQCB/R-155,156,158,159-4/2018 Dated 17.101.2019 for Rejection of Review Petition No. RP-04-KTM01- dated 22.10.2018 against Decision of Rejecting Application of Retesting Ketor Injection (30mg Ketorolac Tromethamine/ml Injection 75mg/3ml Batch No. 056I161, 057I161. 058I161 & 059I161 Taken in its Meeting held on 28.6.2018 (M/s Genix Pharma Pvt Ltd, 44-45 B, Korangi Creek Road Karachi. This request is still lying pending before the PQCB.

2. That report is non-conclusive + unlawful as full protocols the test applied to reach the conclusion and Result of disputed drug as substandard have not been given in the. Test Report No. 0169001390/ DTL dated 29.08/2019. **The approved Method of Analysis which describes the full requirement including appropriate preparation of Samples for Drug and Standard, Process for HPLC and filters etc, was provided to PQCB**.

The honorable Supreme Court has held in case reported as **2019 SCM 930** "Report of the Government Analyst must contain Protocol. The term "protocol" has not been defined in the Rules, Its dictionary meaning is: "**A plan of scientific experiment or other procedure. It is also referred to as "the precise method for carrying out or reproducing a given experiment.**

These definitions are in line with the elaboration of the term "protocol" given in case of Imam Bakhsh wherein the Court stated the expression **" protocol"** to mean an explicit plan of an experiment, procedure or test. It is clarified that "protocol is, therefore, a recognized standard method or plan for carrying out the test applied to ascertain the nature of the substance under examination. No test can take place without a protocol. The Report of the Government Analyst must show that the test applied was in accordance with a recognized standard protocol. **Any test conducted without a protocol loses its reliability and evidentiary value.** Therefore, to serve the purposes of the Act and the Rules, the Report of the Government Analyst must contain

The Tests Applied

The Protocols Applied To Carry Out These Tests

The Result Of The Test(s),

The single bench of Lahore High Court has held that Reports of Analyst has to be conclusive and must disclose the tests applied to formulate opinion of Government Analyst. There is always likelihood of errors in Tests/analysis report which would be of adverse consequence and definitely affects substantial rights of a persons. Therefore, the description of the experiment including method evaluating standards/ results must be Crystal clear whenever report would be disputed. **Reliance on PLD 2003 Lah**. The honorable Single Judge relied on these judgments in the reported cases-Gyanendra Nath Mittal v. State AIR 1959 All. 634; S. Dutta and another. The DB Judgments of Peshawar High Court and Quetta High Court had also held that report without protocol were fatally defective and unlawful. **Reliance on 1996 P Cr.L.J 1183 (Peshawar). 115, PL 2012 Cr.C. (Quetta) 546 (DB)**

3. That the section 32(3) of the Drugs Act 1976 require that it must be ascertained that drug while in possession of purchaser, was properly stored and remained in the same state as when he had acquired it from manufacturer. No doubt improper storage conditions outside labelled instructions, may adversely affect the quality of the drug physically and chemically Potency and the state of certain drugs, was depended to some extent upon conditions in which they were required to be stored and had actually been stored prior to test by the concerned laboratory Nobody know that whether storage conditions were compliant to section 32 of the Drugs Act 1976 during the process of sampling. Transport and storage. Reasonable possibility of sample obtained by the Drug Inspector and subsequently sent to the Laboratory having been deteriorated due to its improper storage after purchase from the manufacturers not ruled out Accused, held, entitled to the benefit of doubt and the convictions and sentence were set aside. **Reliance 1985 P Cr. L. J 281. 1984 P Cr. LJ 1580**. The manufacturer is not liable for any contravention if something goes wrong due to inadequate storage condition outside prescribed labelled direction.

4. That Noncompliance to Section 19 (3) related to statutory requirement of sending warrantor’s portion within seven days, is **an illegality**. The Warrantor's portion has not been sent to the manufacturer within statutory period of seven days as prescribed under Section 19(3) (v) of the Drugs Act 1976. The non-observance to said procedure is **highly doubtful and is an illegality**. Recently, the PQCB has unanimously dropped a Case No. PQCB R-577-09/2016 related to Infusion Dorcip Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DTL Report. TRA. No. 1077/DTL Dated: 22-09-2016. The PQCB had observed that this case was fit for prosecution on the basis of report. But this case was DROPPED as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19 (3) of the Drug Act 1976. PQCB members may kindly compare the present case with the **IGNORED CASE** of Infusion Dorcip ascertain level of potential and real clinical Risks/ADR, + Both cases are similar with the ignored case may differentiated as of more severity. It is added that the author of the SCN has not mentioned date of dispatch/receipt of Warrantor 's portion in Para-iv due to reason bets known to him

5. That there is un-explained inordinate delay in processing of this case as 1122 days have been consumed during time period between Sampling on 12.02.2018 and issuance of SCN on 10.03.2021. It is highly suspicious and creates uncertainties+ doubts.

6. That perusal of the report TRA No. 01-01010761/DTL Date 07.04.2018 related to Ketor Injection 30mg Ketorolac Tromethamine/ ml Batch No. 0561161 shows that Assay of therapeutically active substance Ketorolac Tromethamine determined 98.15% within the approved Limit 90-110%. All other tests are also in compliance to the approved standard. A drug could not be declared as substandard when it meets the chemical specification''. **Reliance on DB Judgment of honorable Lahore High court reported as 19.92 MLD 481.**The Government Analyst has declared the sample erroneously substandard on the basis of so called Visible Particulate matter. It appears that Government Analyst, Drug Testing Laboratory Bahawalpur is unacquainted about the land mark historic judgment of Division Bench of Lahore High court in Intra-Court Appeals Nos. 127 and 128 of 1989, decided on 28th October, 1991 reported in 1992 **MLD 481** whereby holding that 'A drug could not be declared as substandard when it meets the chemical specification’. The para 6 of this Judgment is crystal clear in this regard. The DB Judgment of Peshawar High court also held that drug could not be declared substandard on the basis of particle and report without protocol was fatally defective. **1996 P Cr.L.J 1183** (Peshawar).

7. That Government Analyst determined that the above sample was up to the Standard Quality as assay of drug was within the standard quality limit. However, he has declared this drug erroneously substandard based on vague expression **Visible Particulate Contamination**’ Particulate matter in injections and parenteral infusions consists of extraneous mobile undissolved particles, other than gas bubbles, unintentionally present in the solutions. Similarly, products that produce air or gas bubbles when drawn into the sensor may also require microscopic particle count testing. There are basically two tests, **light obscuration,** which uses light blockage to determine the size and count of particulate matter in the solution; and **microscopic assay**, which is a measurement or un-dissolvable particles or substances present in the solution -usually plastics, metals or dust. There are basically

two tests, **light obscuration**, which uses light blockage to determine the size and count of particulate matter in the solution; and **microscopic assay**, which is a measurement of un-dissolvable particles or substances present in the solution- usually plastics, **Particles** of varying sizes have been observed in inject-able drug products, such as visible and sub visible. The particles of **1-50 Micron size are known as sub visible particles and particles of >50 micron are considered as visible particles.** Visible particles are defined as those that can be detected under controlled conditions by the unaided human eye (i.e., without supplemental magnification).

Identification of the composition of the particulate matter is the first step in characterizing particulate matter risk. Based on this information, particles can be further Classified into one of three subcategories: extrinsic, intrinsic, and inherent.

Extrinsic particles are defined as those that are not part of the formulation, package, or process, but are forelgn and unexpected. Examples of extrinsic particles include fibers (e.g., cellulous), clothing fragments, hair, rubber, metal plastic, and paint

Intrinsic particles are defined as those that arise from sources related to the formulation, packaging, or processes, Examples of intrinsic particle materials include glass, stainless steel, rubber from stoppers, and gasket material.

Inherent particles are defined as materials that are expected from the drug formulation, and thus represent generally accepted characteristic of the product. Examples of inherent matter Proteinaceous aggregates metals or dust.

8. That the crucial question for legality of similar reports was evaluated in depth by honorable Division Bench of honorable Lahore High Court in case of Provincial Quality Control Board v. Irza Pharma reported as **1992 ML D 481**. **The definitions** of "Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976 were examined. It was held

A. That if the samples taken conform to the stated specifications chemically do not fall within the definition of the substandard drugs

B. That the learned single Judge rightly held the term substandard drug with particles is not known to the Drugs Act; and that is true.

C. There was nothing on the record to show, as to what is the nature of the particles found in the samples, and what are its consequences? (Whether Injurious to health).

D. That Analyst's report in question, when considered within meaning of the definitions of "Adulterated drug', Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976, the drugs tested and reported, fell outside the category of definitions of Substandard Spurious and Adulterated drugs. **The para 8 of the above Judgement is reproduced as** "From the aforesaid definition, it is evident that the Law Makers have taken note of the eventualities, implications and the nature off the manufacturing of the drugs while making the law. Hence the law and its intension as envisaged by the Drugs Act is very sacred and clear. Unfortunately, in our country functionaries under the law misuse the same, which is nothing but malice in law. Can We allow course to perpetuate so as to leave room for rampant corruption? The obvious answer is in negative. On the other hand, this Court under its Constitutional jurisdiction as enjoined by the Constitution has to protect the observance of law as well as the bona fide exercise of the duties of the functionaries under the Statute. In this behalf, we are fortified in our view by the observations of the Supreme Court while commenting upon Article 2 of 1962 Constitution now Article 4 of 1973 Constitution in the case reported as **Malik Ghulam Jillaní v,** The Federation of Pakistan P L D 1967 SC 373. The relevant observations are added as hereunder: - "Under the Constitution of Pakistan a wholly different state of affairs prevails. Power is expressly given by Article 98 to the Superior Court to probe into the exercise of public power by executive authorities, how high so ever, to determine whether they have acted with lawful authority, The judicial power is reduced toa nullity if laws are so worded or interpreted that the executive authorities may make what statutory rules they please thereunder and may use this freedom to make themselves the final judges of their own satisfaction' for imposing restrains on the enjoyment of the fundamental rights of citizens. Article 2 of the Constitution could be deprived of all its content through this process and the Courts would cease to be guardians of the nation's liberties".

"**THE CLINICAL IMPLICATIONS** of extraneous particulate matter in injections are determined by many factors, including the size and number of particles, the composition of the material, the potential for microbiological contamination, the route of administration, the intended patient population, and the clinical condition of the patient. For example, an otherwise healthy individual receiving a subcutaneous or intramuscular injection containing sterile, inert particulates would likely experience no adverse effect or at worst would develop a small granuloma. On the other hand, a critically ill premature infant

receiving a particle-laden infusion directly through umbilical catheter might suffer considerable pathophysiologic sequelae.

"**TEST VISIBLE PARTICULATES IN INJECTIONS** is intended to be applied to product that has been 100% inspected as part of the manufacturing process. Injections shall be clear and free from visible particulates when examined without magnification (except for optical correction as may be required to establish normal vision) against a black background and against a white background with illumination that at the inspection point has an intensity between 2000 and 3750 lux. This may be achieved through the use of two 15-W fluorescent lamps (e.g., FI5/T8). The use of a high-frequency ballast to reduce flicker from the fluorescent lamps is recommended Higher illumination intensity is recommended for examination of product in containers other than those made from clear glass, The method is described as "Remove any adherent labels from the container and wash and dry the outside. Gently swirl or invert the container, ensuring that air bubbles are not introduced, and observe for about 5 s in front of the white panel. Repeat the procedure in front of the black panel. Record the presence of any particles, Appendix XIII B. Particulate Contamination: Visible Particles (Ph. Eur. method 2.9.20. It is apprehended that Government Analyst did apply this method. The name of Government Analyst is not mentioned on the reports that raises doubts regarding appointment of Gazette Notified Government Analyst as per requirement of section 16 of the Drug Act 1976.

9. That without ascertaining the nature, composition and foreign source of particle, it is not possible to ascertain whether particulate matter allegedly observed by the Government Analyst is Injurious to Health as a consequence of degradation product of Ketorolac Tromethamine or a Foreign Particle coming from the environment during manufacturing process of injection or is the product of interaction between active and pharmaceutical necessities or some other source. The myths and realities about clinical correlation between alleged visible particulate matter and ADR would be explained before the PQCB if allowed during statuary personal hearing. The presence of particulate

matter in injection has never been defended by the company because of Potential As well as Actual Clinical Risk + Harm + ADR. However, misuse of Particulate Matter as a Tool of Victimization is always resisted, opposed and defended.

10. That no Pre- Show Cause Notice (SCN) Scrutiny done and SCN issued in violation of rule 5. (3) The Punjab Drugs Rules, 2007 is illegal. This mandatory scrutiny would have done Justice with the applicant who has been dragged in the process of malicious prosecution. The rule reproduced as "The PQCB Shall examine a case referred to t by an Inspector and shall if an action is proposed to be taken against a person under the Act or the rules issue a show cause notice to the person and provide him an opportunity for hearing before taking the action about the prosecution of the person or recommending suspension or cancellation of his licence to the lcenslng authority.

11. That the para 2 of the SCN is vehement/y denied as company has not contravened any provision of the Drug Act 1976/ DRAP Act 2012 as evident from the following facts and law

The company has neither contravened section 23/27 of the Drug Act 1976 (as amended) **nor** the DRAP act 2012 and Rules framed thereunder. The case is based upon the Non-Conclusive Report of Government Analyst, as sufficient evidence in controversion to this report is available as per requirement of section 22(4) of the Drug Act 1976. 23/27 of the Drug Act 1976 is maliciously applied by omitting the specific sections. 23(1) (a-Ix, b-h, I0i-ii and (27-1) (27-2), (27-3) and (27-4). The Punjab Amendment in the Drug Act 1976 and DRAP Act 2012 not applicable simultaneously on this case because the Drug Act 1976 which is the part of Schedule VI of DRAP Act 2012 is different from the Drug Act 1976 with Punjab Amendment 2017/ 2018.

the charge of Issuance of false warranty is based upon misreading of relevant law. The warranty was issued after release of standard quality report by Quality Control Department of the company. The offence of issuance of false warranty is added to enhance punishment with malafide intention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason were available as warranty was given after release of medicines by Quality Control Department of the Company. The section 27.(2).(b) is reproduced below

27 (2) whoever himself or by any other person on his b

(a) or

(b) gives to the purchaser a false warranty in respect of any drug sold by him that the drug does not in any way contravene the provisions of section 23 and **is not able to prove that when he gave the warranty, he had good and sufficient reason to believe the same to be true**

12. That the para 3 of the SCN is responded- "The company does not agree with all the names nominated by the Inspector who has acted mechanically while using long handle of Discretion in ascertaining name of **Ch. Muhammad Israr Sharif, Managing Director** as accused, in disrespect the section 11 & 34 of the Drugs Act 1976 and Rule 5 of the Punjab Drug Rules 2007. He is not directly related to the issues under consideration as all routine operations are done without his prior knowledge and consent. The Honorable Supreme Court of Pakistan has settled the question of liability related to the company in a case reported as P L D 1978 Supreme Court 193 (Superintendent of Police, Federal Investigation Agency, Lahore and another--Appellants Versus Akhtar Hussain Bhutta--Respondent). Therefore, it would be difficult to presume that the respondent was guilty of the manufacture of the said substandard drug for and on behalf of the Company, just because he happened to be its Managing Director.

Similarly, name of **Mr. Maqsood Ur Rehman** as Quality Control In-charge has been unlawfully included/ ascertained for prosecution by Drug Inspector for the offences of Manufacturing/ Sale of Substandard and issuance of False Warranty. Because manufacturing and Quality Control Department are Distinct and Independent. The definition of manufacture under section 3 of the Drugs Act 1976 is reproduced below as reference

3(r) "manufacture" in relation to a drug, means al operations in volved in the production of the drug, including processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labeling with a view to its storage, sale and distribution, but does not include the compounding and dispensing or the packing of any drug in the ordinary course of retail business or on a prescription of a registered medical practitioner or dentist or of a veterinarian and "to manufacture" shall be construed accordingly

The rule 16 (e) of Drugs (Licensing, Registering and Advertising) Rules, 1976 dealing with Conditions for the grant or renewal of license to manufacture drugs by way of formulation reproduced below

16 (e) The Quality Control Department shall be independent of the manufacturing unit and its Incharge shall be whole time employee of the manufacturer and shall possess a degree in pharmacy, or a degree in science with chemistry or a degree in medicine or pharmacology (for pharmacological testing) or a degree in microbiology (for microbiological testing) and has sufficient experience in testing of drug.

13. That not a single unit of this drug has been used on any patient. **The labelling of the drug clearly states that " Do not use if particles found in the Injection. It is added that Injection are administered under the supervision of A Professional Health Care Provider who is duty bound to administer clear injectable free from all the particulate matters.** There is a need to understand that supply of medicines to the Private market and Public Sector Government Institutions are different. The Sale to private sector does not require any pre testing by lab and purchase requires to procure medicine under a valid warranty. In government supplies the manufacturer gives warranty but the medicines are not released for use by the patient until standard quality report received from the competent legal Government Analyst. Furthermore, the manufacturer immediately receives payment while selling drugs to a purchaser in private market whereas the payment in government supplies is subjected to many checks including issuance of Standard Quality Report by the Government Analyst. It is not possible to use any Government Supply Medicine without being tested. The batches manufactured for Government Supplies are for exclusive Use of patient coming to government hospitals. No one could use government medicine without the Quality certificate/report.

14. That the maxim. **Acommuni Observantia Non EST Recedendum** (where a thing is provided to be done in a particular manner, it has to be done in that manner, and if not so done, the same would not be lawful. The maxim is applicable to the present case., It is confirmed with regrets that the special procedure/provisions prescribed under sections 11,18, 19, 22 & 32, of the Drugs Act, 1976 and Rule 5(3) of the Punjab Drug Rules 2007 have not been followed.

Kindly ignore the case as there would be no likelihood of success of this case in any Court of law. The PQCB is requested to pass speaking order by giving annulated confrontation to the defence of the company. **It is now well-settled that non-speaking order is to be discouraged and authority is required to give reasons while passing administrative as well as judicial orders.** It must supply adequate reasons for the conclusion arrived at and should reflect application of judicious mind by the Judge/ application of judicious mind by the Judge/ authority and not to be mechanical or non-speaking. Reliance, in this regard, can be placed upon Province of Sindh through Secretary Education Government of Sindh Karachi and 3 others vs Miss Salma Bano and others (**2003 SCMR 1126**), Muhammad Faroog Shah v Shakirullah (**2006 SCMR 1657**), Abdul Majeed Zafar and others v. Governor of the Punjab through Chief Secretary and others (**2007 SCMR 330**), Umar Din through L Rs. V. Mst. Shakeela Bibi and others (**2009 SCMR 29)**, Secretary Ministry of Health Government of Pakistan, Islamabad and another. Dr. Rehana Hameed and others (**2010 SCMR 511),** Government of Pakistan through Director-General Ministry of Interior Islamabad

and others v. Farheen Rashid (**2011 SCMR 1)** and others vs. Messrs MFM Industries Ltd. And others v. ederation of Pakistan through Ministry of Commerce and others (**2015 SCMR 1550)**.

5. Personal Hearing notice(s) issued to accused person(s)

PREVIOUS PROCEEDING & DECISION BY THE COMMITTEE:

PQCB 39th Committee Meeting held on 30-05-2024

5. Case was considered by the Committee of Provincial Quality Control Board in **39th Committee Meeting** held on **30-05-2024** under the convenorship of Director General, Drugs Control. Mr. Rafaqat Ali, Secretary DQCB, Rahim Yar Khan and Mr. Ilyas Provincial Inspector of drugs Sheikh Zayed Hospital Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (DGM Quality Control) along with Zeeshan Akhtar (Advocate), legal counsel of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi Pakistan appeared before the Committee and submitted that firm has improved its system and since 2018 many batches were passed of standard quality and requested to visit the firm.

6 The Committee after careful case record and scrutiny of DTL report observed that subject drug Injection Ketor batch no. 057I161 was declared substandard on the basis of physical test i.e., 07 out of 20 ampoules containing undissolvable visible particulate matter. The Committee is of the view that in order to dig out the root cause of the defect, the Production and Quality Control & Assurance for subject drug need to be evaluated. The Committee after due deliberation and discussion, unanimously decided to **pend the case** and club with cases R-825, 826/2021 in which a committee has already constituted comprising of the following members to conduct **Product Specific Inspection (PSI)** of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan and submit report for consideration by the Board.

1	**Prof. Dr. Muhammad Uzair**	**Convener**
2	**Dr. Muhammad Munawar Hayat** (Secretary PQCB, Punjab)	Member

Moreover, the drug inspector is directed to retain an appropriate portion for Court purposes and dispose-off the remaining expired stock (if not recovered and seized on Form-3 & Form-5) from Expired Drug Disposal Committee (EDDC) of health facilities already constituted vide PSHD notification No. SO (HP) 2-9(2)/ 2021 dated 14-February, 2022 and PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively.

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

No.	Case No. with year	Product	Batch #	Mfg. date	Detail result

1	**POCB/R-527/2018**	**Injection Ketor**	**0561161**	**01-2018**	**03out of 20 ampoules contains undissolved particles**
2	**PQCB/R-528/2018**	**Injection Ketor**	**0571161**	**01-2018**	**07 out of 20 ampoules contains undissolved particles**
3	**POCB/R-529/2018**	**Injection Ketor**	**0591161**	**01-2018**	**02 out of 20 ampoules contains undissolved particles**
4	**POCB/R-530/2018**	**Injection Ketor**	**0581161**	**01-2018**	**11 out of 20 ampoules contains undissolved particles**
5	**POCB/R-51/2018**	**Injection Ketor**	**0611161**	**02-2018**	**02 out of 20 ampoules contains undissolved particles**

Inspection was also conducted with reference to three (03) cases of Water for Injection, detail given below.

No.	**Case No. with year**	**Product**	**Batch #**	**Mfg. date**	**Detail result**
1	**POCB/R-825/2021**	**Water for Injection**	**1341019**	**02-2021**	**BET not complies**
2	**PQCB/R-826/2021**	**Water for Injection**	**1391019**	**04-2021**	**08 out of 20 ampoules contains undissolved particles & BET not complies**
3	**PQCB/R-237/2021**	**Water for Injection**	**1481019**	**07-2021**	**04 out of 20 ampoules contains undissolved particles**

- All Eight (08) samples are government supply and taken from Sheikh Zaid Hospital Rahim Yar Khan.

- All above eight (08) samples declared substandard from DTL. Bahawalpur on Clarity test basis and only two on BET test as well.
- Five (05) batches of injection Ketor manufactured in 2018.
- Three (03) batches of WFI in year 2021.

Introduction of firm

- Unit Established in 2004.
- Covered area 1,75,000 Square feet of total 4 floors.
- Currently, 11 sections of diffent pharmaceutical units.

Technical Staff

1. Syed Muhammad Noman, Technical Director.

2. Mr. Hamyun, Head Quality Assurance.

3. Syed Faiz ul Haq, GM Production.

4. Muhammad Ashraf, Deputy Director, Quality Operation.

5. Ms. Shaheen Arzoo, Visit coordinator.

Certifications of M/S Genix Pharma

- 1S0 17025:2017 (Lab No 241), PNAC, Valid until 30-08-2027 (Anex-A)
- ISO 9001:2015 (TUV Austria), Valid until 26-04-2025 (Anex-B)
- ISO 45001.2018 (TUV Austria), Valid until 27-04-2027 (Anex-C). ISO 14001:2015 (TUV Austria), ISO 14001:2015Valid until 26-04-2025 (Anex-D).

Detail of some important aspects of Unit

- Firm is having GC FID and doing testing of DEG/EG impurities in solvents In injectable section having Moduler panel imported from Thailand, having properties airtight, bacterial resistance water proof etc
- For data safety and storage, firm is having Chromatographic CDS system and backup facility.
- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
- Seven Large size Stability Chambers are available in Lab.
- Poly Urethane flooring is installed in about whole area of manufacturing

Detail of Microbial Testing in Unit

- The firm is using Cape COD kit for BET.
- The sensitivity of kit is 0.125EU/ml

Batch Manufacturing Record

- Optical Checking Results in BMR record of injection Ketor (Iml) and WFT (10ml).
- Injection Ketor Batch size 20 litres. 18180
- Sample size for optical checking at final release is 20 ampoules.

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-527/2018	Injection Ketor	0561161	120	29	23	42	0.66
2	PQCB/R-528/2018	Injection Ketor	0571161	110	16	21	33	0.60
3	POCB/R-529/2018	Injection Ketor	0591161	730	16	20	32	4.02
4	POCB/R-530/2018	Injection Ketor	0581161	130	18	20	31	0.72
5	POCB/R-51/2018	Injection Ketor	0611161	110	19	26	21	0.60

WFI batch size…….172 litres…..16800

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-825/2021	Water for Injection	1341019	560	160	58	29	3.50
2	PQCB/R-826/2021	Water for Injection	1391019	410	102	44	21	2.55
3	PQCB/R-237/2021	Water for Injection	1481019	355	145	45	40	2.11

PSI report was conveyed to M/s Genix Pharma vide letter dated 07-10-2024

M/s Genix Pharma submitted CAPA vide ref. no. Q081-10/24 dated 10-10-2024 as follows:

No	Date	CPA/ NC No.	Observations	Action	Date implement	Doc's Comply/N
1	6-9-24	NC#1	The BET area of the firm having single Buffer.	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition) https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085	N/R	Yes
2	6-9-24	NC#2	Liquid particle counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is not possible of available equipment.	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate	N/R	Yes
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes

4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible particle as per available SOPS	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular	N/R	Yes
5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes
6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes

			in wet Chemistry			
8	6-9-24	NC#8	Semi-automatic machine is working for washing of ampoules.	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes
10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and assay of multiple products. "Scope of PT testing is attached."	N/R	Yes

Personal hearing Notice issued to the accused

	Summary of the case

1	Sampling Date: (Form 4)	12-02-2018
2	Sent to DTL (Form 6):	12-02-2018
3	Date of receipt in DTL	14-02-2018
4	DTL Report date	07-04-2018
5	Time extension granted	N/A
6	1ST DI Communication with firm	25-04-2018
7	Retesting Request of Firm	25-04-2018
8	Fate of Retesting Request:	Turn down 188th M dated 28-06-2018 RP turn down 5th CM 17-01-2019 Writ petition no. 25125-19 filed by the firm and was dismissed on 29-04-2024
9	Investigation Report of DI	26-07-2018 & 27-2-2021
10	Show cause notice issued	10-03-2021
11	Reply of show cause notice dated	25-03-2021
12	**Firm History: (3years)**	Firm: 6 Product: nil

Case is placed before the Board for Decision

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 15

PQCB R-529/2018

Sheikh Zayed Hospital, District Rahim Yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan,** through its Managing Director (MD) Ch. Muhammad Israr Sharif 2. Ch. Muhammad Israr Sharif Managing Director (MD) 3. Azhar Hussain Controller Production 4. Maqsood-ur-Rehman Controller Quality Control/Warrantor of M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sheikh Zayed Hospital, Rahim Yar Khan reported that: -

i. He, on 12-02-2018 inspected the M/s Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took the sample of "Inj. Ketor 30mg/ml on Form No. 4 for the purpose of test and analysis.

ii. The drug sample, after test/ analysis was declared as **Sub-standard** by Government Analyst, Drug Testing Laboratory, Bahawalpur as detailed below: -

Name of Drug	Batch No.	Name of Manufacturer	DTL Report	DTL Test Report Result
Injection Ketor 30mg/ml [Ketorolac Tromethamine 30mg/ml]	059I161	M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.	01-01010759/DTL dated: 07 April 2018	**Result of test/ analysis with specifications applied:** **USP 2015** **DESCRIPTION:** Colorless liquid in transparent glass sealed ampoule. 02 out of 20 ampoules containing undissolvable visible particulate matter (**Does not comply with the parenteral specifications.**) **VOLUME:** Stated: 1ml Determined: 1.04ml

				pH: Limit: 6.9-7.9 Determined: 7.6 **STERILITY:** The product is sterile. **ASSAY** **Stated** **Determined** **Percentage** Ketorolac 30mg/ml 30.09mg/ml 100.31% Tromethamine **LIMIT: 90---110%** **RESULT:** The sample is **Sub-standard** on the basis of Physical Test.

iii. A copy of Test/ Analysis report was sent to Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan. Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan, provided invoice/warranty No. CIN-00030129, dated 23-01-2018 issued by M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, for the said drug, as a proof of their purchase.

iv. Warrantor portion of drug sample was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

v. A copy of test/analysis report was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, with directions to explain their position and provide requisite information in this regard.

Previous proceeding regarding retesting request

Firm's subject request for retesting of the drug sample was considered by PQCB in its 188th meeting held on 28-6-2018. Board decided to turn down the subject request for retesting of the drug sample being devoid of merit.

Firm filed review petition vide letter no. RP-02-2017--KTM01-2018/Genix dated 07-11-2018 through counsel

Then **subject review petition was** considered by Committee of PQCB in its 5th meeting held on 17-1-2019. Committee decided to turn down the subject review petition and uphold its previous decision taken in 188th meeting of PQCB**.**

The firm again filed a review petition against the decision of the committee of PQCB on earlier filed review petition of the firm through the counsel Dr. Khawaja Tahir Mehmood.

203rd meeting held on **29-03-19**.

The subject request of firm for rehearing was considered by Provincial Quality Control Board (PQCB) under section 11 of the Drugs Act 1976 in its **203rd** meeting held on **29-03-19**.

Secretary PQCB apprised the Board about the facts of the case and informed that the case is placed before the Board as a special issue on the request of the firm for rehearing as the firm's review petition has already been considered by the committee of the PQCB in its 5th meeting held on 17-01-2019 and the firm was given fair opportunity of hearing. Now the firm has requested for rehearing before the full Board against the decision of committee of PQCB on earlier filed review petition of the firm.

- In view of above, the Board after detailed discussion and deliberation, unanimously decided to **decline the request of the firm for rehearing** before PQCB against the decision of the committee of PQCB as the review petition was already decided by the committee of PQCB entrusted with powers and functions provided under sub-section 4 and sub-section 5 of section 22 of the Drug Act 1976 (as amended)

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there under by the way of: -

i. **Manufacturing for sale/selling of Sub-standard Drug.**
ii. **Issuance of false warranty.**

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.25125/2019

Genix Pharma (Pvt.) Ltd. Versus Government of Punjab & others

29.04.2024

Learned counsel for the petitioner seeks to withdraw this petition as the sample which was required to be retested has expired and no useful purpose would be served by deciding this petition. **Disposed of.**

3. Show cause notice(s) issued to the accused.

Firm submitted Written reply of Show cause

Name of Chief Executive Officer/Managing Director (**Chaudry Muhammad Israr Shareef**)

Name of **Production Incharge (Syed Faiz-ul-Haq**)

Name of Quality Control Charge **(Maqsood Ur Rehman**)

Name of Warrantor **(Maqsood Ur Rehman)**

That company supplied injection Ketor 30mg Ketorolac tromethamine/ ml Batch No. 059I161 to SZH Hospital Rahim yar Khan vide invoice/warranty. The sample was taken by the inspector from medicine store of the aforesaid Hospital for the purpose of test/analysis on 12.2.2018. He had sent this sample to Government Analyst, Drug Testing laboratory Bahawalpur for test /analysis who submitted Test /Analysis reports under Section 22 of the Drugs act 1976. It is added that DI did not recover/ seize any injection on Form No.5 which is an evidence that no particulate matter was present in the Injection Ketor 30mg Ketorolac Tromethamine/ml Batch No. 0561160 at the time of taking sample on 12.02.2018.

All the correspondence of company with Inspector and PQCB related to Retesting Request under Section 22 (4 & 5) may please be taken as an integral part of the following submissions

1. That Genix Pharma (Private) Limited was founded in the year 2004 with the vision to help and provide top quality and affordable medicine for all those in need. Since inception, Genix has grown from being a relatively humble contender to being one of the fastest growing companies in the Pakistani Pharmaceutical Arena. Having the best human capital, coupled with a state-of-the-art manufacturing facility spanning over 175,000 sq. feet and the prime focus on quality, the company aim to become the benchmark in the pharmaceutical industry. The product line ranges from specialty products to OTC medicines, as we believe in providing a wide range of products to cater to the needs of all types of requirements. The company is making an ever-increasing contribution to the export exchequer of Pakistan by exporting medicines to more than 20 countries including Afghanistan, Sri Lanka, Ivory Coast and African Countries. Genix is strongly committed to its responsibility towards community and patients. Genix products bring a promise of QUALITY, and ensure smooth and flawless operations at its facility with local manufacturing in compliance with global quality standards that are strictly maintained and followed meticulously at every level in the process of manufacturing. Therefore, INTENTION TO ADDUCE EVIDENCE IN CONTROVERSION TO THE ABOVE TEST ANALYSIS REPORT was NOTIFTED & 1. DECLARED AS PER REQUIREMENT OF SECTION 22(4) OF THE DRUG ACT 1976. This written notified intention was based upon concrete + credible evidence. So, the above subject reports had become NON-CONCLUSIVE after this notification of intention to adduce evidence as per prescribed requirement of Section 22 (4) of the Drug Act 1976. The request for retesting submitted under Section 22(5) of the Drug Act 1976 was contested upto the level of Review Petition directed against the Oder No. PQCB/R - 155,156. 158, 159 -04/18 Dated 31.07.2018 dispatch date 11.08.2018 of Rejecting Application submitted U/s 22(4) & 2(5) of the Drugs Act 1976 for Sending Sample to Appellate Laboratory for Retesting. The requests of Retesting were rejected unlawfully by committee of PQCB constituted for consideration of Request Of Retesting. The Quorum of this committee was not complete.

The company had submitted the Request for hearing before full PQCB, after recalling Back dated, UNLAWFUL & NON-SPEAKING PQCB Committee's order No. PQCB/R-155,156,158,159-4/2018 Dated 17.101.2019 for Rejection of Review Petition No. RP-04-KTM01- dated 22.10.2018 against Decision of Rejecting Application of Retesting Ketor Injection (30mg Ketorolac Tromethamine/ml Injection 75mg/3ml Batch No. 056I161, 057I161. 058I161 & 059I161 Taken in its Meeting held on 28.6.2018 (M/s Genix Pharma Pvt Ltd, 44-45 B, Korangi Creek Road Karachi. This request is still lying pending before the PQCB.

2. That report is non-conclusive + unlawful as full protocols the test applied to reach the conclusion and Result of disputed drug as substandard have not been given in the. Test Report No. 0169001390/ DTL dated 29.08/2019. The approved Method of Analysis which describes the full requirement including appropriate preparation of Samples for Drug and Standard, Process for HPLC and filters etc, was provided to PQCB.

The honorable Supreme Court has held in case reported as 2019 SCM 930 "Report of the Government Analyst must contain Protocol. The term "protocol" has not been defined in the Rules, Its dictionary meaning is: "A plan of scientific experiment or other procedure. It is also referred to as "the precise method for carrying out or reproducing a given experiment.

These definitions are in line with the elaboration of the term "protocol" given in case of Imam Bakhsh wherein the Court stated the expression " protocol" to mean an explicit plan of an experiment, procedure or test. It is clarified that "protocol is, therefore, a recognized standard method or plan for carrying out the test applied to ascertain the nature of the substance under examination. No test can take place without a protocol. The Report of the Government Analyst must show that the test applied was in accordance with a recognized standard protocol. Any test conducted without a protocol loses its reliability and evidentiary value. Therefore, to serve the purposes of the Act and the Rules, the Report of the Government Analyst must contain

The Tests Applied

The Protocols Applied To Carry Out These Tests

The Result Of The Test(s),

The single bench of Lahore High Court has held that Reports of Analyst has to be conclusive and must disclose the tests applied to formulate opinion of Government Analyst. There is always likelihood of errors in Tests/analysis report which would be of adverse consequence and definitely affects substantial rights of a persons. Therefore, the description of the experiment including method evaluating standards/ results must be Crystal clear whenever report would be disputed. Reliance on PLD 2003 Lah. The honorable Single Judge relied on these judgments in the reported cases-Gyanendra Nath Mittal v. State AIR 1959 All. 634; S. Dutta and another. The DB Judgments of Peshawar High Court and Quetta High Court had also held that report without protocol were fatally defective and unlawful. Reliance on 1996 P Cr.L.J 1183 (Peshawar). 115, PL 2012 Cr.C. (Quetta) 546 (DB)

3. That the section 32(3) of the Drugs Act 1976 require that it must be ascertained that drug while in possession of purchaser, was properly stored and remained in the same state as when he had acquired it from manufacturer. No doubt improper storage conditions outside labelled instructions, may adversely affect the quality of the drug physically and chemically Potency and the state of certain drugs, was depended to some extent upon conditions in which they were required to be stored and had actually been stored prior to test by the concerned laboratory Nobody know that whether storage conditions were compliant to section 32 of the Drugs Act 1976 during the process of sampling. Transport and storage. Reasonable possibility of sample obtained by the Drug Inspector and subsequently sent to the Laboratory having been deteriorated due to its improper storage after purchase from the manufacturers not ruled out Accused, held, entitled to the benefit of doubt and the convictions and sentence were set aside. Reliance 1985 P Cr. L. J 281. 1984 P Cr. LJ 1580. The manufacturer is not liable for any contravention if something goes wrong due to inadequate storage condition outside prescribed labelled direction.

4. That Noncompliance to Section 19 (3) related to statutory requirement of sending warrantor’s portion within seven days, is an illegality. The Warrantor's portion has not been sent to the manufacturer within statutory period of seven days as prescribed under Section 19(3) (v) of the Drugs Act 1976. The non-observance to said procedure is highly doubtful and is an illegality. Recently, the PQCB has unanimously dropped a Case No. PQCB R-577-09/2016 related to Infusion Dorcip Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DTL Report. TRA. No. 1077/DTL Dated: 22-09-2016. The PQCB had observed that this case was fit for prosecution on the basis of report. But this case was DROPPED as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19 (3) of the Drug Act 1976. PQCB members may kindly compare the present case with the IGNORED CASE of Infusion Dorcip ascertain level of potential and real clinical Risks/ADR, + Both cases are similar with the ignored case may differentiated as of more severity. It is added that the author of the SCN has not mentioned date of dispatch/receipt of Warrantor 's portion in Para-iv due to reason bets known to him

5. That there is un-explained inordinate delay in processing of this case as 1122 days have been consumed during time period between Sampling on 12.02.2018 and issuance of SCN on 10.03.2021. It is highly suspicious and creates uncertainties+ doubts.

6. That perusal of the report TRA No. 01-01010761/DTL Date 07.04.2018 related to Ketor Injection 30mg Ketorolac Tromethamine/ ml Batch No. 0561161 shows that Assay of therapeutically active substance Ketorolac Tromethamine determined 98.15% within the approved Limit 90-110%. All other tests are also in compliance to the approved standard. A drug could not be declared as substandard when it meets the chemical specification''. Reliance on DB Judgment of honorable Lahore High court reported as 19.92 MLD 481.The Government Analyst has declared the sample erroneously substandard on the basis of so called Visible Particulate matter. It appears that Government Analyst, Drug Testing Laboratory Bahawalpur is unacquainted about the land mark historic judgment of Division Bench of Lahore High court in Intra-Court Appeals Nos. 127 and 128 of 1989, decided on 28th October, 1991 reported in 1992 MLD 481 whereby holding that 'A drug could not be declared as substandard when it meets the chemical specification’. The para 6 of this Judgment is crystal clear in this regard. The DB Judgment of Peshawar High court also held that drug could not be declared substandard on the basis of particle and report without protocol was fatally defective. 1996 P Cr.L.J 1183 (Peshawar).

7. That Government Analyst determined that the above sample was up to the Standard Quality as assay of drug was within the standard quality limit. However, he has declared this drug erroneously substandard based on vague expression Visible Particulate Contamination’ Particulate matter in injections and parenteral infusions consists of extraneous mobile undissolved particles, other than gas bubbles, unintentionally present in the solutions. Similarly, products that produce air or gas bubbles when drawn into the sensor may also require microscopic particle count testing. There are basically two tests, light obscuration, which uses light blockage to determine the size and count of particulate matter in the solution; and microscopic assay, which is a measurement or un-dissolvable particles or substances present in the solution -usually plastics, metals or dust. There are basically two tests, light obscuration, which uses light blockage to determine the size and count of particulate matter in the solution; and microscopic assay, which is a measurement of un-dissolvable particles or substances present in the solution- usually plastics, Particles of varying sizes have been observed in inject-able drug products, such as visible and sub visible. The particles of 1-50 Micron size are known as sub visible particles and particles of >50 micron are considered as visible particles. Visible particles are defined as those that can be

detected under controlled conditions by the unaided human eye (i.e., without supplemental magnification).

Identification of the composition of the particulate matter is the first step in characterizing particulate matter risk. Based on this information, particles can be further Classified into one of three subcategories: extrinsic, intrinsic, and inherent.

Extrinsic particles are defined as those that are not part of the formulation, package, or process, but are forelgn and unexpected. Examples of extrinsic particles include fibers (e.g., cellulous), clothing fragments, hair, rubber, metal plastic, and paint

Intrinsic particles are defined as those that arise from sources related to the formulation, packaging, or processes, Examples of intrinsic particle materials include glass, stainless steel, rubber from stoppers, and gasket material.

Inherent particles are defined as materials that are expected from the drug formulation, and thus represent generally accepted characteristic of the product. Examples of inherent matter Proteinaceous aggregates metals or dust.

8. That the crucial question for legality of similar reports was evaluated in depth by honorable Division Bench of honorable Lahore High Court in case of Provincial Quality Control Board v. Irza Pharma reported as 1992 ML D 481. The definitions of "Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976 were examined. It was held

A. That if the samples taken conform to the stated specifications chemically do not fall within the definition of the substandard drugs

B. That the learned single Judge rightly held the term substandard drug with particles is not known to the Drugs Act; and that is true.

C. There was nothing on the record to show, as to what is the nature of the particles found in the samples, and what are its consequences? (Whether Injurious to health).

D. That Analyst's report in question, when considered within meaning of the definitions of "Adulterated drug', Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976, the drugs tested and reported, fell outside the category of definitions of Substandard Spurious and Adulterated drugs. The para 8 of the above Judgement is reproduced as "From the aforesaid definition, it is evident that the Law Makers have taken note of the eventualities, implications and the nature off the manufacturing of the drugs while making the law. Hence the law and its intension as envisaged by the Drugs Act is very sacred and clear. Unfortunately, in our country functionaries under the law misuse the same, which is nothing but malice in law. Can We allow course to perpetuate so as to leave room for rampant corruption? The obvious answer is in negative. On the other hand, this Court under its Constitutional jurisdiction as enjoined by the Constitution has to protect the observance of law as well as the bona fide exercise of the duties of the functionaries under the Statute. In this behalf, we are fortified in our view by the observations of the Supreme Court while commenting upon Article 2 of 1962 Constitution now Article 4 of 1973 Constitution in the case reported as Malik Ghulam Jillaní v, The Federation of Pakistan P L D 1967 SC 373. The relevant observations are added as hereunder: - "Under the Constitution of Pakistan a wholly different state of affairs prevails. Power is expressly given by Article 98 to the Superior Court to probe into the exercise of public power by executive authorities, how high so ever, to determine whether they have acted with lawful authority, The judicial power is reduced toa nullity if laws are so worded or interpreted that the executive authorities may make what statutory rules they please thereunder and may use this freedom to make themselves the final judges of their own satisfaction' for imposing restrains on the enjoyment of the fundamental rights of citizens. Article 2 of the Constitution could be deprived of all its content through this process and the Courts would cease to be guardians of the nation's liberties".

“THE CLINICAL IMPLICATIONS of extraneous particulate matter in injections are determined by many factors, including the size and number of particles, the composition of the material, the potential for microbiological contamination, the route of administration, the intended patient population, and the clinical condition of the patient. For example, an otherwise healthy individual receiving a subcutaneous or intramuscular injection containing sterile, inert particulates would likely experience no adverse effect or at worst would develop a small granuloma. On the other hand, a critically ill premature infant receiving a particle-laden infusion directly through umbilical catheter might suffer considerable pathophysiologic sequelae.

“TEST VISIBLE PARTICULATES IN INJECTIONS is intended to be applied to product that has been 100% inspected as part of the manufacturing process. Injections shall be clear and free from visible particulates when examined without magnification (except for optical correction as may be required to establish normal vision) against a black background and against a white background with illumination that at the inspection point has an intensity between 2000 and 3750 lux. This may be achieved through the use of two 15-W fluorescent lamps (e.g., FI5/T8). The use of a high-frequency ballast to reduce flicker from the fluorescent lamps is recommended Higher illumination intensity is recommended for examination of product in containers other than those made from clear glass, The method is described as "Remove any

adherent labels from the container and wash and dry the outside. Gently swirl or invert the container, ensuring that air bubbles are not introduced, and observe for about 5 s in front of the white panel. Repeat the procedure in front of the black panel. Record the presence of any particles, Appendix XIII B. Particulate Contamination: Visible Particles (Ph. Eur. method 2.9.20. It is apprehended that Government Analyst did apply this method. The name of Government Analyst is not mentioned on the reports that raises doubts regarding appointment of Gazette Notified Government Analyst as per requirement of section 16 of the Drug Act 1976.

9. That without ascertaining the nature, composition and foreign source of particle, it is not possible to ascertain whether particulate matter allegedly observed by the Government Analyst is Injurious to Health as a consequence of degradation product of Ketorolac Tromethamine or a Foreign Particle coming from the environment during manufacturing process of injection or is the product of interaction between active and pharmaceutical necessities or some other source. The myths and realities about clinical correlation between alleged visible particulate matter and ADR would be explained before the PQCB if allowed during statuary personal hearing. The presence of particulate matter in injection has never been defended by the company because of Potential as well as Actual Clinical Risk + Harm + ADR. However, misuse of Particulate Matter as a Tool of Victimization is always resisted, opposed and defended.

10.That no Pre- Show Cause Notice (SCN) Scrutiny done and SCN issued in violation of rule 5. (3) The Punjab Drugs Rules, 2007 is illegal. This mandatory scrutiny would have done Justice with the applicant who has been dragged in the process of malicious prosecution. The rule reproduced as "The PQCB Shall examine a case referred to it by an Inspector and shall if an action is proposed to be taken against a person under the Act or the rules issue a show cause notice to the person and provide him an opportunity for hearing before taking the action about the prosecution of the person or recommending suspension or cancellation of his license to the licensing authority.

11. That the para 2 of the SCN is vehement/y denied as company has not contravened any provision of the Drug Act 1976/ DRAP Act 2012 as evident from the following facts and law

The company has neither contravened section 23/27 of the Drug Act 1976 (as amended) nor the DRAP act 2012 and Rules framed thereunder. The case is based upon the Non-Conclusive Report of Government Analyst, as sufficient evidence in controversion to this report is available as per requirement of section 22(4) of the Drug Act 1976. 23/27 of the Drug Act 1976 is maliciously applied by omitting the specific sections. 23(1) (a-Ix, b-h, I0i-ii and (27-1) (27-2), (27-3) and (27-4). The Punjab Amendment in the Drug Act 1976 and DRAP Act 2012 not applicable simultaneously on this case because the Drug Act 1976 which is the part of Schedule VI of DRAP Act 2012 is different from the Drug Act 1976 with Punjab Amendment 2017/ 2018.

The charge of Issuance of false warranty is based upon misreading of relevant law. The warranty was issued after release of standard quality report by Quality Control Department of the company. The offence of issuance of false warranty is added to enhance punishment with malafide intention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason were available as warranty was given after release of medicines by Quality Control Department of the Company. The section 27(2) (b) is reproduced below

27 (2) whoever himself or by any other person on his b

(a) or

(b) gives to the purchaser a false warranty in respect of any drug sold by him that the drug does not in any way contravene the provisions of section 23 and is not able to prove that when he gave the warranty, he had good and sufficient reason to believe the same to be true

12. That the para 3 of the SCN is responded- "The company does not agree with all the names nominated by the Inspector who has acted mechanically while using long handle of Discretion in ascertaining name of Ch. Muhammad Israr Sharif, Managing Director as accused, in disrespect the section 11 & 34 of the Drugs Act 1976 and Rule 5 of the Punjab Drug Rules 2007. He is not directly related to the issues under consideration as all routine operations are done without his prior knowledge and consent. The Honorable Supreme Court of Pakistan has settled the question of liability related to the company in a case reported as P L D 1978 Supreme Court 193 (Superintendent of Police, Federal Investigation Agency, Lahore and another--Appellants Versus Akhtar Hussain Bhutta--Respondent). Therefore, it would be difficult to presume that the respondent was guilty of the manufacture of the said substandard drug for and on behalf of the Company, just because he happened to be its Managing Director.

Similarly, name of Mr. Maqsood Ur Rehman as Quality Control In-charge has been unlawfully included/ ascertained for prosecution by

Drug Inspector for the offences of Manufacturing/ Sale of Substandard and issuance of False Warranty. Because manufacturing and Quality Control Department are Distinct and Independent. The definition of manufacture under section 3 of the Drugs Act 1976 is reproduced below as reference

3(r) "manufacture" in relation to a drug, means al operations in volved in the production of the drug, including processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labeling with a view to its storage, sale and distribution, but does not include the compounding and dispensing or the packing of any drug in the ordinary course of retail business or on a prescription of a registered medical practitioner or dentist or of a veterinarian and "to manufacture" shall be construed accordingly

The rule 16 (e) of Drugs (Licensing, Registering and Advertising) Rules, 1976 dealing with Conditions for the grant or renewal of license to manufacture drugs by way of formulation reproduced below

16 (e) The Quality Control Department shall be independent of the manufacturing unit and its Incharge shall be whole time employee of the manufacturer and shall possess a degree in pharmacy, or a degree in science with chemistry or a degree in medicine or pharmacology (for pharmacological testing) or a degree in microbiology (for microbiological testing) and has sufficient experience in testing of drug.

13. That not a single unit of this drug has been used on any patient. The labelling of the drug clearly states that " Do not use if particles found in the Injection. It is added that Injection are administered under the supervision of A Professional Health Care Provider who is duty bound to administer clear injectable free from all the particulate matters. There is a need to understand that supply of medicines to the Private market and Public Sector Government Institutions are different. The Sale to private sector does not require any pre testing by lab and purchase requires to procure medicine under a valid warranty. In government supplies the manufacturer gives warranty but the medicines are not released for use by the patient until standard quality report received from the competent legal Government Analyst. Furthermore, the manufacturer immediately receives payment while selling drugs to a purchaser in private market whereas the payment in government supplies is subjected to many checks including issuance of Standard Quality Report by the Government Analyst. It is not possible to use any Government Supply Medicine without being tested. The batches manufactured for Government Supplies are for exclusive Use of patient coming to government hospitals. No one could use government medicine without the Quality certificate/report.

14. That the maxim. Acommuni Observantia Non EST Recedendum (where a thing is provided to be done in a particular manner, it has to be done in that manner, and if not so done, the same would not be lawful. The maxim is applicable to the present case., It is confirmed with regrets that the special procedure/provisions prescribed under sections 11,18, 19, 22 & 32, of the Drugs Act, 1976 and Rule 5(3) of the Punjab Drug Rules 2007 have not been followed.

Kindly ignore the case as there would be no likelihood of success of this case in any Court of law. The PQCB is requested to pass speaking order by giving annulated confrontation to the defence of the company. It is now well-settled that non-speaking order is to be discouraged and authority is required to give reasons while passing administrative as well as judicial orders. It must supply adequate reasons for the conclusion arrived at and should reflect application of judicious mind by the Judge/ application of judicious mind by the Judge/ authority and not to be mechanical or non-speaking. Reliance, in this regard, can be placed upon Province of Sindh through Secretary Education Government of Sindh Karachi and 3 others vs Miss Salma Bano and others (2003 SCMR 1126), Muhammad Faroog Shah v Shakirullah (2006 SCMR 1657), Abdul Majeed Zafar and others v. Governor of the Punjab through Chief Secretary and others (2007 SCMR 330), Umar Din through L Rs. V. Mst. Shakeela Bibi and others (2009 SCMR 29), Secretary Ministry of Health Government of Pakistan, Islamabad and another. Dr. Rehana Hameed and others (2010 SCMR 511), Government of Pakistan through Director-General Ministry of Interior Islamabad and others v. Farheen Rashid (2011 SCMR 1) and others vs. Messrs MFM Industries Ltd. And others v. ederation of Pakistan through Ministry of Commerce and others (2015 SCMR 1550).

4. Personal Hearing notice(s) issued to accused person(s)

PREVIOUS PROCEEDING & DECISION BY THE COMMITTEE:

PQCB 39th Committee Meeting held on 30-05-2024

5. Case was considered by the Committee of Provincial Quality Control Board in **39th Committee Meeting** held on **30-05-2024** under the convenorship of Director General, Drugs Control. Mr. Rafaqat Ali, Secretary

DQCB, Rahim Yar Khan and Mr. Ilyas Provincial Inspector of drugs Sheikh Zayed Hospital Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (DGM Quality Control) along with Zeeshan Akhtar (Advocate), legal counsel of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi Pakistan appeared before the Committee and submitted that firm has improved its system and since 2018 many batches were passed of standard quality and requested to visit the firm.

6 The Committee after careful case record and scrutiny of DTL report observed that subject drug Injection Ketor batch no. 059I161 was declared substandard on the basis of description. The Committee is of the view that in order to dig out the root cause of the defect, the Production and Quality Control & Assurance for subject drug need to be evaluated. The Committee after due deliberation and discussion, unanimously decided to **pend the case** and club with cases R-825, 826/2021 in which a committee has already constituted comprising of the following members to conduct **Product Specific Inspection (PSI)** of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan and submit report for consideration by the Board.

1	**Prof. Dr. Muhammad Uzair**	**Convener**
2	**Dr. Muhammad Munawar Hayat** (Secretary PQCB, Punjab)	Member

Moreover, the drug inspector is directed to retain an appropriate portion for Court purposes and dispose-off the remaining expired stock (if not recovered and seized on Form-3 & Form-5) from Expired Drug Disposal Committee (EDDC) of health facilities already constituted vide PSHD notification No. SO (HP) 2-9(2)/ 2021 dated 14-February, 2022 and PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively.

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

No.	Case No. with year	Product	Batch #	Mfg. date	Detail result
1	**POCB/R-527/2018**	**Injection Ketor**	**0561161**	**01-2018**	**03out of 20 ampoules contains undissolved particles**
2	**PQCB/R-528/2018**	**Injection Ketor**	**0571161**	**01-2018**	**07 out of 20 ampoules contains undissolved particles**

3	**POCB/R-529/2018**	**Injection Ketor**	**0591161**	**01-2018**	**02 out of 20 ampoules contains undissolved particles**
4	**POCB/R-530/2018**	**Injection Ketor**	**0581161**	**01-2018**	**11 out of 20 ampoules contains undissolved particles**
5	**POCB/R-51/2018**	**Injection Ketor**	**0611161**	**02-2018**	**02 out of 20 ampoules contains undissolved particles**

Inspection was also conducted with reference to three (03) cases of Water for Injection, detail given below.

No.	**Case No. with year**	**Product**	**Batch #**	**Mfg. date**	**Detail result**
1	**POCB/R-825/2021**	**Water for Injection**	**1341019**	**02-2021**	**BET not complies**
2	**PQCB/R-826/2021**	**Water for Injection**	**1391019**	**04-2021**	**08 out of 20 ampoules contains undissolved particles & BET not complies**
3	**PQCB/R-237/2021**	**Water for Injection**	**1481019**	**07-2021**	**04 out of 20 ampoules contains undissolved particles**

- All Eight (08) samples are government supply and taken from Sheikh Zaid Hospital Rahim Yar Khan.
- All above eight (08) samples declared substandard from DTL. Bahawalpur on Clarity test basis and only two on BET test as well.
- Five (05) batches of injection Ketor manufactured in 2018.
- Three (03) batches of WFI in year 2021.

Introduction of firm

- Unit Established in 2004.
- Covered area 1,75,000 Square feet of total 4 floors.
- Currently, 11 sections of diffent pharmaceutical units.

Technical Staff

1. Syed Muhammad Noman, Technical Director.

2. Mr. Hamyun, Head Quality Assurance.

3. Syed Faiz ul Haq, GM Production.

4. Muhammad Ashraf, Deputy Director, Quality Operation.

5. Ms. Shaheen Arzoo, Visit coordinator.

Certifications of M/S Genix Pharma

- 1S0 17025:2017 (Lab No 241), PNAC, Valid until 30-08-2027 (Anex-A)
- ISO 9001:2015 (TUV Austria), Valid until 26-04-2025 (Anex-B)
- ISO 45001.2018 (TUV Austria), Valid until 27-04-2027 (Anex-C). ISO 14001:2015 (TUV Austria), ISO 14001:2015Valid until 26-04-2025 (Anex-D).

Detail of some important aspects of Unit

- Firm is having GC FID and doing testing of DEG/EG impurities in solvents In injectable section having Moduler panel imported from Thailand, having properties airtight, bacterial resistance water proof etc
- For data safety and storage, firm is having Chromatographic CDS system and backup facility.
- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
- Seven Large size Stability Chambers are available in Lab.
- Poly Urethane flooring is installed in about whole area of manufacturing

Detail of Microbial Testing in Unit

- The firm is using Cape COD kit for BET.
- The sensitivity of kit is 0.125EU/ml

Batch Manufacturing Record

- Optical Checking Results in BMR record of injection Ketor (Iml) and WFT (10ml).
- Injection Ketor Batch size 20 litres. 18180
- Sample size for optical checking at final release is 20 ampoules.

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-527/2018	Injection Ketor	0561161	120	29	23	42	0.66
2	PQCB/R-	Injection	0571161	110	16	21	33	0.60

	528/2018	Ketor						
3	POCB/R-529/2018	Injection Ketor	0591161	730	16	20	32	4.02
4	POCB/R-530/2018	Injection Ketor	0581161	130	18	20	31	0.72
5	POCB/R-51/2018	Injection Ketor	0611161	110	19	26	21	0.60

WFI batch size…….172 litres…..16800

No.	**Case No. with year**	**Product**	**Batch #**	**Total Rejection**	**Particle**	**Fibers**	**Sealing defect**	**% rejection**
1	POCB/R-825/2021	Water for Injection	1341019	560	160	58	29	3.50
2	PQCB/R-826/2021	Water for Injection	1391019	410	102	44	21	2.55
3	PQCB/R-237/2021	Water for Injection	1481019	355	145	45	40	2.11

PSI report was conveyed to M/s Genix Pharma vide letter dated 07-10-2024

M/s Genix Pharma submitted CAPA vide ref. no. Q081-10/24 dated 10-10-2024 as follows:

No	Date	CPA/ NC No.	Observations	Action	Date implement	Doc's Comply/N
1	6-9-24	NC#1	The BET area of the firm	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using	N/R	Yes

			having single Buffer.	additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition) https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085		
2	6-9-24	NC#2	Liquid particle counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is not possible of available equipment.	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate	N/R	Yes
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes
4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that	N/R	Yes

			particle as per available SOPS	For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular		
5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes
6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed in wet Chemistry	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes
8	6-9-24	NC#8	Semi-automatic machine is working for washing of	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes

			ampoules.			
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes
10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and assay of multiple products. "Scope of PT testing is attached."	N/R	Yes

Personal hearing Notice issued to the accused.

	Summary of the case	
1	Sampling Date: (Form 4)	12-02-2018
2	Sent to DTL (Form 6):	12-02-2018

3	Date of receipt in DTL	14-02-2018
4	DTL Report date	07-04-2018
5	Time extension granted	N/A
6	1ST DI Communication with firm	25-04-2018
7	Retesting Request of Firm	25-04-2018
8	Fate of Retesting Request:	Turn down 188th M dated 28-06-2018 RP turn down 5th CM 17-01-2019 Writ petition no. 25125-19 filed by the firm and was dismissed on 29-04-2024
9	Investigation Report of DI	26-07-2018 & 27-2-2021
10	Show cause notice issued	10-03-2021
11	Reply of show cause notice dated	29-03-2021
12	**Firm History: (3years)**	Firm: 6 Product: nil

Case is placed before the Board for Decision

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 16

PQCB R-530/2018

Sheikh Zayed Hospital, District Rahim Yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan** through its CEO/MD Ch. Muhammad Israr Sharif 2. Ch. Muhammad Israr Sharif Managing Director (MD) 3. Azhar Hussain Controller Production 4. Maqsood-ur-Rehman Controller Quality Control/Warrantor of M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi- Pakistan

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sheikh Zayed Hospital, Rahim Yar Khan reported that: -

i. He, on 12-02-2018 inspected the M/s Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took the sample of "Inj. Ketor 30mg/ml on Form No. 4 for the purpose of test and analysis.
ii. The drug sample, after test/ analysis was declared as **Sub-standard** by Government Analyst, Drug Testing Laboratory, Bahawalpur as detailed below: -

Name of Drug	Batch No.	Name of Manufacturer	DTL Report	DTL Test Report Result
Injection Ketor 30mg/ml [Ketorolac Tromethamine 30mg/ml]	058I161	M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.	01-01010758/DTL dated: 07 April 2018	**Result of test/ analysis with specifications applied: USP 2015** **DESCRIPTION:** Colorless liquid in transparent glass sealed ampoule. 11 out of 20 ampoules containing undissolvable visible particulate matter (**Does not comply with the parenteral specifications.**) **VOLUME:** Stated: 1ml Determined: 1.04ml **pH:** Limit: 6.9-7.9 Determined: 7.53

				STERILITY: The product is sterile. **ASSAY** **Stated** **Determined** **Percentage** Ketorolac 30mg/ml 29.5mg/ml 98.34% Tromethamine **LIMIT: 90---110%** **RESULT:** The sample is **Sub-standard** on the basis of Physical Test.

iii. A copy of Test/ Analysis report was sent to Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan. Central Pharmacy (Main Medicine Store) Sheikh Zayed Medical College/ Hospital, Rahim Yar Khan, provided invoice/warranty No. CIN-00030129, dated 23-01-2018 issued by M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, for the said drug, as a proof of their purchase.

iv. Warrantor portion of drug sample was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan.

v. A copy of test/analysis report was sent to M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan, with directions to explain their position and provide requisite information in this regard.

Previous proceeding regarding retesting request

188th meeting held on 28-6-2018

Firm's subject request for retesting of the drug sample was considered by PQCB in its 188th meeting held on 28-6-2018. Board decided to turn down the subject request for retesting of the drug sample being devoid of merit.

Firm filed review petition vide letter no. RP-02-2017--KTM01-2018/Genix dated 07-11-2018 through counsel

5th meeting held on 17-1-2019

Then subject review petition was considered by Committee of PQCB in its 5th meeting held on 17-1-2019. Committee decided to turn down the subject review petition and uphold its previous decision taken in 188th meeting of PQCB.

The firm again filed a review petition against the decision of the committee of PQCB on earlier filed review petition of the firm through the counsel Dr. Khawaja Tahir Mehmood.

203rd meeting held on **29-03-19**.

The subject request of firm for rehearing was considered by Provincial Quality Control Board (PQCB) under section 11 of the Drugs Act 1976 in its **203rd** meeting held on **29-03-19**.

Secretary PQCB apprised the Board about the facts of the case and informed that the case is placed before the Board as a special issue on the request of the firm for rehearing as the firm's review petition has already been considered by the committee of the PQCB in its 5th meeting held on 17-01-

2019 and the firm was given fair opportunity of hearing. Now the firm has requested for rehearing before the full Board against the decision of committee of PQCB on earlier filed review petition of the firm.

- In view of above, the Board after detailed discussion and deliberation, unanimously decided to **decline the request of the firm for rehearing** before PQCB against the decision of the committee of PQCB as the review petition was already decided by the committee of PQCB entrusted with powers and functions provided under sub-section 4 and sub-section 5 of section 22 of the Drug Act 1976 (as amended)

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. W.P. No.25125/2019

Genix Pharma (Pvt.) Ltd. Versus Government of Punjab & others

29.04.2024

Learned counsel for the petitioner seeks to withdraw this petition as the sample which was required to be retested has expired and no useful purpose would be served by deciding this petition.

Disposed of.

2 Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there under by the way of: -

i. **Manufacturing for sale/selling of Sub-standard Drug.**
ii. **Issuance of false warranty.**

3. Show cause notice(s) issued to the accused.

Firm submitted Written reply of Show cause

Name of Chief Executive Officer/Managing Director (**Chaudry Muhammad Israr Shareef**)

Name of **Production Incharge (Syed Faiz-ul-Haq**)

Name of Quality Control Charge **(Maqsood Ur Rehman**)

Name of Warrantor **(Maqsood Ur Rehman)**

That company supplied injection Ketor 30mg Ketorolac tromethamine/ ml Batch No. 058I161 to SZH Hospital Rahim yar Khan vide invoice/warranty. The sample was taken by the inspector from medicine store of the aforesaid Hospital for the purpose of test/analysis on 12.2.2018. He had sent this sample to Government Analyst, Drug Testing laboratory Bahawalpur for test /analysis who submitted Test /Analysis reports under Section 22 of the Drugs act 1976. It is added that DI did not recover/ seize any injection on Form No.5 which is an evidence that no particulate matter was present in the Injection Ketor 30mg Ketorolac

Tromethamine/ml Batch No. 0581161 at the time of taking sample on 12.02.2018.

All the correspondence of company with Inspector and PQCB related to Retesting Request under Section 22 (4 & 5) may please be taken as an integral part of the following submissions

1. That Genix Pharma (Private) Limited was founded in the year 2004 with the vision to help and provide top quality and affordable medicine for all those in need. Since inception, Genix has grown from being a relatively humble contender to being one of the fastest growing companies in the Pakistani Pharmaceutical Arena. Having the best human capital, coupled with a state-of-the-art manufacturing facility spanning over 175,000 sq. feet and the prime focus on quality, the company aim to become the benchmark in the pharmaceutical industry. The product line ranges from specialty products to OTC medicines, as we believe in providing a wide range of products to cater to the needs of all types of requirements. The company is making an ever-increasing contribution to the export exchequer of Pakistan by exporting medicines to more than 20 countries including Afghanistan, Sri Lanka, Ivory Coast and African Countries. Genix is strongly committed to its responsibility towards community and patients. Genix products bring a promise of QUALITY, and ensure smooth and flawless operations at its facility with local manufacturing in compliance with global quality standards that are strictly maintained and followed meticulously at every level in the process of manufacturing. Therefore, **INTENTION TO ADDUCE EVIDENCE IN CONTROVERSION TO THE ABOVE TEST ANALYSIS REPORT was NOTIFTED & 1. DECLARED AS PER REQUIREMENT OF SECTION 22(4) OF THE DRUG ACT 197**6. This written notified intention was based upon concrete + credible evidence. So, the above subject reports had become NON-CONCLUSIVE after this notification of intention to adduce evidence as per prescribed requirement of Section 22 (4) of the Drug Act 1976. The request for retesting submitted under Section 22(5) of the Drug Act 1976 was contested upto the level of Review Petition directed against the Oder No. PQCB/R -155,156. 158, 159 -04/18 Dated 31.07.2018 dispatch date 11.08.2018 of Rejecting Application submitted U/s 22(4) & 2(5) of the Drugs Act 1976 for Sending Sample to Appellate Laboratory for Retesting. The requests of Retesting were rejected unlawfully by committee of PQCB constituted for consideration of Request Of Retesting. The Quorum of this committee was not complete.

The company had submitted the Request for hearing before full PQCB, after recalling Back dated, UNLAWFUL & NON-SPEAKING PQCB Committee's order No. PQCB/R-155,156,158,159-4/2018 Dated 17.101.2019 for Rejection of Review Petition No. RP-04-KTM01- dated 22.10.2018 against Decision of Rejecting Application of Retesting Ketor Injection (30mg Ketorolac Tromethamine/ml Injection 75mg/3ml Batch No. 056I161, 057I161. 058I161 & 059I161 Taken in its Meeting held on 28.6.2018 (M/s Genix Pharma Pvt Ltd, 44-45 B, Korangi Creek Road Karachi. This request is still lying pending before the PQCB.

2. That report is non-conclusive + unlawful as full protocols the test applied to reach the conclusion and Result of disputed drug as substandard have not been given in the. Test Report No. 0169001390/ DTL dated 29.08/2019. The approved Method of Analysis which describes the full requirement including appropriate preparation of Samples for Drug and Standard, Process for HPLC and filters etc, was provided to PQCB.

The honorable Supreme Court has held in case reported as 2019 SCM 930 "Report of the Government Analyst must contain Protocol. The term "protocol" has not been defined in the Rules, Its dictionary meaning is: "A plan of scientific experiment or other procedure. It is also referred to as "the precise method for carrying out or reproducing a given experiment.

These definitions are in line with the elaboration of the term "protocol" given in case of Imam Bakhsh wherein the Court stated the expression " protocol" to mean an explicit plan of an experiment, procedure or test. It is clarified that "protocol is, therefore, a recognized standard method or plan for carrying out the test applied to ascertain the nature of the substance under examination. No test can take place without a protocol. The Report of the Government Analyst must show that the test applied was in accordance with a recognized standard protocol. Any test conducted without a protocol loses its reliability and evidentiary value. Therefore, to serve the purposes of the Act and the Rules, the Report of the Government Analyst must contain

The Tests Applied

The Protocols Applied To Carry Out These Tests

The Result Of The Test(s),

The single bench of Lahore High Court has held that Reports of Analyst has to be conclusive and must disclose the tests applied to formulate opinion of Government Analyst. There is always likelihood of errors in Tests/analysis report which would be of adverse consequence and definitely affects substantial rights of a persons. Therefore, the description of the experiment including method evaluating standards/ results must be Crystal clear whenever report would be disputed. Reliance on PLD 2003 Lah. The honorable Single Judge relied on these judgments in the reported cases-Gyanendra Nath Mittal v. State AIR 1959 All. 634; S. Dutta and another. The DB Judgments of Peshawar High Court and Quetta

High Court had also held that report without protocol were fatally defective and unlawful. Reliance on 1996 P Cr.L.J 1183 (Peshawar). 115, PL 2012 Cr.C. (Quetta) 546 (DB)

3. That the section 32(3) of the Drugs Act 1976 require that it must be ascertained that drug while in possession of purchaser, was properly stored and remained in the same state as when he had acquired it from manufacturer. No doubt improper storage conditions outside labelled instructions, may adversely affect the quality of the drug physically and chemically Potency and the state of certain drugs, was depended to some extent upon conditions in which they were required to be stored and had actually been stored prior to test by the concerned laboratory Nobody know that whether storage conditions were compliant to section 32 of the Drugs Act 1976 during the process of sampling. Transport and storage. Reasonable possibility of sample obtained by the Drug Inspector and subsequently sent to the Laboratory having been deteriorated due to its improper storage after purchase from the manufacturers not ruled out Accused, held, entitled to the benefit of doubt and the convictions and sentence were set aside. Reliance 1985 P Cr. L. J 281. 1984 P Cr. LJ 1580. The manufacturer is not liable for any contravention if something goes wrong due to inadequate storage condition outside prescribed labelled direction.

4. That Noncompliance to Section 19 (3) related to statutory requirement of sending warrantor's portion within seven days, is an illegality. The Warrantor's portion has not been sent to the manufacturer within statutory period of seven days as prescribed under Section 19(3) (v) of the Drugs Act 1976. The non-observance to said procedure is highly doubtful and is an illegality. Recently, the PQCB has unanimously dropped a Case No. **PQCB R-577-09/2016 related to Infusion Dorcip** Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DTL Report. TRA. No. 1077/DTL Dated: 22-09-2016. The PQCB had observed that this case was fit for prosecution on the basis of report. But this case was DROPPED as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19 (3) of the Drug Act 1976. PQCB members may kindly compare the present case with the IGNORED CASE of Infusion Dorcip ascertain level of potential and real clinical Risks/ADR, + Both cases are similar with the ignored case may differentiated as of more severity. It is added that the author of the SCN has not mentioned date of dispatch/receipt of Warrantor 's portion in Para-iv due to reason bets known to him

5. That there is un-explained inordinate delay in processing of this case as 1122 days have been consumed during time period between Sampling on 12.02.2018 and issuance of SCN on 10.03.2021. It is highly suspicious and creates uncertainties+ doubts.

6. That perusal of the report TRA No. 01-01010761/DTL Date 07.04.2018 related to Ketor Injection 30mg Ketorolac Tromethamine/ ml Batch No. 0561161 shows that Assay of therapeutically active substance Ketorolac Tromethamine determined 98.15% within the approved Limit 90-110%. All other tests are also in compliance to the approved standard. A drug could not be declared as substandard when it meets the chemical specification''. Reliance on DB Judgment of honorable Lahore High court reported as 19.92 MLD 481.The Government Analyst has declared the sample erroneously substandard on the basis of so called Visible Particulate matter. It appears that Government Analyst, Drug Testing Laboratory Bahawalpur is unacquainted about the land mark historic judgment of Division Bench of Lahore High court in Intra-Court Appeals Nos. 127 and 128 of 1989, decided on 28th October, 1991 reported in 1992 MLD 481 whereby holding that 'A drug could not be declared as substandard when it meets the chemical specification'. The para 6 of this Judgment is crystal clear in this regard. The DB Judgment of Peshawar High court also held that drug could not be declared substandard on the basis of particle and report without protocol was fatally defective. 1996 P Cr.L.J 1183 (Peshawar).

7. That Government Analyst determined that the above sample was up to the Standard Quality as assay of drug was within the standard quality limit. However, he has declared this drug erroneously substandard based on vague expression Visible Particulate Contamination' Particulate matter in injections and parenteral infusions consists of extraneous mobile undissolved particles, other than gas bubbles, unintentionally present in the solutions. Similarly, products that produce air or gas bubbles when drawn into the sensor may also require microscopic particle count testing. There are basically two tests, light obscuration, which uses light blockage to determine the size and count of particulate matter in the solution; and microscopic assay, which is a measurement or un-dissolvable particles or substances present in the solution -usually plastics, metals or dust. There are basically two tests, light obscuration, which uses light blockage to determine the size and count of particulate matter in the solution; and microscopic assay, which is a measurement of un-dissolvable particles or substances present in the solution- usually plastics, Particles of varying sizes have been observed in inject-able drug products, such as visible and sub visible. The particles of 1-50 Micron size are known as sub visible particles and particles of >50 micron are considered as visible particles. Visible particles are defined as those that can be detected under controlled conditions by the unaided human eye (i.e., without supplemental magnification).

Identification of the composition of the particulate matter is the first step in characterizing particulate matter risk. Based on this information, particles can be further Classified into one of three subcategories: extrinsic, intrinsic, and inherent.

a. **Extrinsic particles** are defined as those that are not part of the formulation, package, or process, but are forelgn and unexpected. Examples of extrinsic particles include fibers (e.g., cellulous), clothing fragments, hair, rubber, metal plastic, and paint.

b. **Intrinsic particles** are defined as those that arise from sources related to the formulation, packaging, or processes, Examples of intrinsic particle materials include glass, stainless steel, rubber from stoppers, and gasket material.

c. **Inherent particles** are defined as materials that are expected from the drug formulation, and thus represent generally accepted characteristic of the product. Examples of inherent matter Proteinaceous aggregates metals or dust.

8. That the crucial question for legality of similar reports was evaluated in depth by honorable Division Bench of honorable Lahore High Court in case of Provincial Quality Control Board v. Irza Pharma reported as 1992 ML D 481. The definitions of "Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976 were examined. It was held

A. That if the samples taken conform to the stated specifications chemically do not fall within the definition of the substandard drugs

B. That the learned single Judge rightly held the term substandard drug with particles is not known to the Drugs Act; and that is true.

C. There was nothing on the record to show, as to what is the nature of the particles found in the samples, and what are its consequences? (Whether Injurious to health).

D. That Analyst's report in question, when considered within meaning of the definitions of "Adulterated drug', Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976, the drugs tested and reported, fell outside the category of definitions of Substandard Spurious and Adulterated drugs. The para 8 of the above Judgement is reproduced as "From the aforesaid definition, it is evident that the Law Makers have taken note of the eventualities, implications and the nature off the manufacturing of the drugs while making the law. Hence the law and its intension as envisaged by the Drugs Act is very sacred and clear. Unfortunately, in our country functionaries under the law misuse the same, which is nothing but malice in law. Can We allow course to perpetuate so as to leave room for rampant corruption? The obvious answer is in negative. On the other hand, this Court under its Constitutional jurisdiction as enjoined by the Constitution has to protect the observance of law as well as the bona fide exercise of the duties of the functionaries under the Statute. In this behalf, we are fortified in our view by the observations of the Supreme Court while commenting upon Article 2 of 1962 Constitution now Article 4 of 1973 Constitution in the case reported as Malik Ghulam Jillaní v, The Federation of Pakistan P L D 1967 SC 373. The relevant observations are added as hereunder: - "Under the Constitution of Pakistan a wholly different state of affairs prevails. Power is expressly given by Article 98 to the Superior Court to probe into the exercise of public power by executive authorities, how high so ever, to determine whether they have acted with lawful authority, The judicial power is reduced toa nullity if laws are so worded or interpreted that the executive authorities may make what statutory rules they please thereunder and may use this freedom to make themselves the final judges of their own satisfaction' for imposing restrains on the enjoyment of the fundamental rights of citizens. Article 2 of the Constitution could be deprived of all its content through this process and the Courts would cease to be guardians of the nation's liberties".

"THE CLINICAL IMPLICATIONS of extraneous particulate matter in injections are determined by many factors, including the size and number of particles, the composition of the material, the potential for microbiological contamination, the route of administration, the intended patient population, and the clinical condition of the patient. For example, an otherwise healthy individual receiving a subcutaneous or intramuscular injection containing sterile, inert particulates would likely experience no adverse effect or at worst would develop a small granuloma. On the other hand, a critically ill premature infant receiving a particle-laden infusion directly through umbilical catheter might suffer considerable pathophysiologic sequelae.

"TEST VISIBLE PARTICULATES IN INJECTIONS is intended to be applied to product that has been 100% inspected as part of the manufacturing process. Injections shall be clear and free from visible particulates when examined without magnification (except for optical correction as may be required to establish normal vision) against a black background and against a white background with illumination that at the inspection point has an intensity between 2000 and 3750 lux. This may be achieved through the use of two 15-W fluorescent lamps (e.g., FI5/T8). The use of a high-frequency ballast to reduce flicker from the fluorescent lamps is recommended Higher illumination intensity is recommended for examination of product in containers other than those made from clear glass, The method is described as "Remove any adherent labels from the container and wash and dry the outside. Gently swirl or invert the container, ensuring that air bubbles are not introduced, and observe for about 5 s in front of the white panel. Repeat the procedure in front of the black panel. Record the presence of any particles, Appendix XIII B. Particulate Contamination: Visible Particles (Ph. Eur. method 2.9.20. It is apprehended that Government Analyst did apply this method. The name of Government Analyst is not mentioned on the reports that raises doubts regarding appointment of Gazette Notified Government Analyst as per requirement of section 16 of the Drug Act 1976.

9. That without ascertaining the nature, composition and foreign source of particle, it is not possible to ascertain whether particulate matter allegedly observed by the Government Analyst is Injurious to Health as a consequence of degradation product of Ketorolac Tromethamine or a Foreign Particle coming from the environment during manufacturing process of injection or is the product of interaction between active and

pharmaceutical necessities or some other source. The myths and realities about clinical correlation between alleged visible particulate matter and ADR would be explained before the PQCB if allowed during statuary personal hearing. The presence of particulate matter in injection has never been defended by the company because of Potential as well as Actual Clinical Risk + Harm + ADR. However, misuse of Particulate Matter as a Tool of Victimization is always resisted, opposed and defended.

10.That no Pre- Show Cause Notice (SCN) Scrutiny done and SCN issued in violation of rule 5. (3) The Punjab Drugs Rules, 2007 is illegal. This mandatory scrutiny would have done Justice with the applicant who has been dragged in the process of malicious prosecution. The rule reproduced as "The PQCB Shall examine a case referred to it by an Inspector and shall if an action is proposed to be taken against a person under the Act or the rules issue a show cause notice to the person and provide him an opportunity for hearing before taking the action about the prosecution of the person or recommending suspension or cancellation of his license to the licensing authority.

11. That the para 2 of the SCN is vehement/y denied as company has not contravened any provision of the Drug Act 1976/ DRAP Act 2012 as evident from the following facts and law

The company has neither contravened section 23/27 of the Drug Act 1976 (as amended) nor the DRAP act 2012 and Rules framed thereunder. The case is based upon the Non-Conclusive Report of Government Analyst, as sufficient evidence in controversion to this report is available as per requirement of section 22(4) of the Drug Act 1976. 23/27 of the Drug Act 1976 is maliciously applied by omitting the specific sections. 23(1) (a-Ix, b-h, I0i-ii and (27-1) (27-2), (27-3) and (27-4). The Punjab Amendment in the Drug Act 1976 and DRAP Act 2012 not applicable simultaneously on this case because the Drug Act 1976 which is the part of Schedule VI of DRAP Act 2012 is different from the Drug Act 1976 with Punjab Amendment 2017/ 2018.

The charge of Issuance of false warranty is based upon misreading of relevant law. The warranty was issued after release of standard quality report by Quality Control Department of the company. The offence of issuance of false warranty is added to enhance punishment with malafide intention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason were available as warranty was given after release of medicines by Quality Control Department of the Company. The section 27(2) (b) is reproduced below

27 (2) whoever himself or by any other person on his b

(a) or

(b) gives to the purchaser a false warranty in respect of any drug sold by him that the drug does not in any way contravene the provisions of section 23 and is not able to prove that when he gave the warranty, he had good and sufficient reason to believe the same to be true

12. That the para 3 of the SCN is responded- "The company does not agree with all the names nominated by the Inspector who has acted mechanically while using long handle of Discretion in ascertaining name of Ch. Muhammad Israr Sharif, Managing Director as accused, in disrespect the section 11 & 34 of the Drugs Act 1976 and Rule 5 of the Punjab Drug Rules 2007. He is not directly related to the issues under consideration as all routine operations are done without his prior knowledge and consent. The Honorable Supreme Court of Pakistan has settled the question of liability related to the company in a case reported as P L D 1978 Supreme Court 193 (Superintendent of Police, Federal Investigation Agency, Lahore and another--Appellants Versus Akhtar Hussain Bhutta--Respondent). Therefore, it would be difficult to presume that the respondent was guilty of the manufacture of the said substandard drug for and on behalf of the Company, just because he happened to be its Managing Director.

Similarly, name of Mr. Maqsood Ur Rehman as Quality Control In-charge has been unlawfully included/ ascertained for prosecution by Drug Inspector for the offences of Manufacturing/ Sale of Substandard and issuance of False Warranty. Because manufacturing and Quality Control Department are Distinct and Independent. The definition of manufacture under section 3 of the Drugs Act 1976 is reproduced below as reference

3(r) "manufacture" in relation to a drug, means al operations in volved in the production of the drug, including processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labeling with a view to its storage, sale and distribution, but does not include the compounding and dispensing or the packing of any drug in the ordinary course of retail business or on a prescription of a registered medical practitioner or dentist or of a veterinarian and "to manufacture" shall be construed accordingly

The rule 16 (e) of Drugs (Licensing, Registering and Advertising) Rules, 1976 dealing with Conditions for the grant or renewal of license to manufacture drugs by way of formulation reproduced below

16 (e) The Quality Control Department shall be independent of the manufacturing unit and its Incharge shall be whole time employee of the manufacturer and shall possess a degree in pharmacy, or a degree in science with chemistry or a degree in medicine or pharmacology (for pharmacological testing) or a degree in microbiology (for microbiological testing) and has sufficient experience in testing of drug.

13. That not a single unit of this drug has been used on any patient. The labelling of the drug clearly states that " Do not use if particles found in the Injection. It is added that Injection are administered under the supervision of A Professional Health Care Provider who is duty bound to administer clear injectable free from all the particulate matters. There is a need to understand that supply of medicines to the Private market and Public Sector Government Institutions are different. The Sale to private sector does not require any pre testing by lab and purchase requires to procure medicine under a valid warranty. In government supplies the manufacturer gives warranty but the medicines are not released for use by the patient until standard quality report received from the competent legal Government Analyst. Furthermore, the manufacturer immediately receives payment while selling drugs to a purchaser in private market whereas the payment in government supplies is subjected to many checks including issuance of Standard Quality Report by the Government Analyst. It is not possible to use any Government Supply Medicine without being tested. The batches manufactured for Government Supplies are for exclusive Use of patient coming to government hospitals. No one could use government medicine without the Quality certificate/report.

14. That the maxim. Acommuni Observantia Non EST Recedendum (where a thing is provided to be done in a particular manner, it has to be done in that manner, and if not so done, the same would not be lawful. The maxim is applicable to the present case., It is confirmed with regrets that the special procedure/provisions prescribed under sections 11,18, 19, 22 & 32, of the Drugs Act, 1976 and Rule 5(3) of the Punjab Drug Rules 2007 have not been followed.

Kindly ignore the case as there would be no likelihood of success of this case in any Court of law. The PQCB is requested to pass speaking order by giving annulated confrontation to the defence of the company. It is now well-settled that non-speaking order is to be discouraged and authority is required to give reasons while passing administrative as well as judicial orders. It must supply adequate reasons for the conclusion arrived at and should reflect application of judicious mind by the Judge/ application of judicious mind by the Judge/ authority and not to be mechanical or non-speaking. Reliance, in this regard, can be placed upon Province of Sindh through Secretary Education Government of Sindh Karachi and 3 others vs Miss Salma Bano and others (2003 SCMR 1126), Muhammad Farooq Shah v Shakirullah (2006 SCMR 1657), Abdul Majeed Zafar and others v. Governor of the Punjab through Chief Secretary and others (2007 SCMR 330), Umar Din through L Rs. V. Mst. Shakeela Bibi and others (2009 SCMR 29), Secretary Ministry of Health Government of Pakistan, Islamabad and another. Dr. Rehana Hameed and others (2010 SCMR 511), Government of Pakistan through Director-General Ministry of Interior Islamabad and others v. Farheen Rashid (2011 SCMR 1) and others vs. Messrs MFM Industries Ltd. And others v. Federation of Pakistan through Ministry of Commerce and others (2015 SCMR 1550).

5. Personal Hearing notice(s) issued to accused person(s)

PREVIOUS PROCEEDING & DECISION BY THE COMMITTEE:

PQCB 39th Committee Meeting held on **30-05-2024**

5. Case was considered by the Committee of Provincial Quality Control Board in **39th Committee Meeting** held on **30-05-2024** under the convenorship of Director General, Drugs Control. Mr. Rafaqat Ali, Secretary DQCB, Rahim Yar Khan and Mr. Ilyas Provincial Inspector of drugs Sheikh Zayed Hospital Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (DGM Quality Control) along with Zeeshan Akhtar (Advocate), legal counsel of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi Pakistan appeared before the Committee and submitted that firm has improved its system and since 2018 many batches were passed of standard quality and requested to visit the firm.

6 The Committee after careful case record and scrutiny of DTL report observed that subject drug Injection Ketor batch no. 058I161 was declared substandard on the basis of description i.e., 11 out of 20 ampoules containing undissolvable visible particulate matter. The Committee is of the view that in order to dig out the root cause of the defect, the Production and Quality Control & Assurance for subject drug need to be evaluated. The Committee after due deliberation and discussion, unanimously decided to **pend the case** and club with cases R-825, 826/2021 in which a committee has already constituted comprising of the following members to conduct **Product Specific Inspection (PSI)** of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan and submit report for consideration by the Board.

1	**Prof. Dr. Muhammad Uzair**	**Convener**
2	**Dr. Muhammad Munawar Hayat** (Secretary PQCB, Punjab)	Member

Moreover, the drug inspector is directed to retain an appropriate portion for Court purposes and dispose-off the remaining expired stock (if not recovered and seized on Form-3 & Form-5) from Expired Drug Disposal Committee (EDDC) of health facilities already constituted vide PSHD notification No. SO (HP) 2-9(2)/ 2021 dated 14-February, 2022 and PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively.

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

No.	Case No. with year	Product	Batch #	Mfg. date	Detail result
1	**POCB/R-527/2018**	**Injection Ketor**	**0561161**	**01-2018**	**03out of 20 ampoules contains undissolved particles**
2	**PQCB/R-528/2018**	**Injection Ketor**	**0571161**	**01-2018**	**07 out of 20 ampoules contains undissolved particles**
3	**POCB/R-529/2018**	**Injection Ketor**	**0591161**	**01-2018**	**02 out of 20 ampoules contains undissolved particles**
4	**POCB/R-530/2018**	**Injection Ketor**	**0581161**	**01-2018**	**11 out of 20 ampoules contains undissolved particles**

5	**POCB/R-51/2018**	**Injection Ketor**	**0611161**	**02-2018**	**02 out of 20 ampoules contains undissolved particles**

Inspection was also conducted with reference to three (03) cases of Water for Injection, detail given below.

No.	Case No. with year	Product	Batch #	Mfg. date	Detail result
1	**POCB/R-825/2021**	**Water for Injection**	**1341019**	**02-2021**	**BET not complies**
2	**PQCB/R-826/2021**	**Water for Injection**	**1391019**	**04-2021**	**08 out of 20 ampoules contains undissolved particles & BET not complies**
3	**PQCB/R-237/2021**	**Water for Injection**	**1481019**	**07-2021**	**04 out of 20 ampoules contains undissolved particles**

- All Eight (08) samples are government supply and taken from Sheikh Zaid Hospital Rahim Yar Khan.
- All above eight (08) samples declared substandard from DTL. Bahawalpur on Clarity test basis and only two on BET test as well.
- Five (05) batches of injection Ketor manufactured in 2018.
- Three (03) batches of WFI in year 2021.

Introduction of firm

- Unit Established in 2004.
- Covered area 1,75,000 Square feet of total 4 floors.
- Currently, 11 sections of diffent pharmaceutical units.

Technical Staff

1. Syed Muhammad Noman, Technical Director.

2. Mr. Hamyun, Head Quality Assurance.

3. Syed Faiz ul Haq, GM Production.

4. Muhammad Ashraf, Deputy Director, Quality Operation.

5. Ms. Shaheen Arzoo, Visit coordinator.

Certifications of M/S Genix Pharma

- 1S0 17025:2017 (Lab No 241), PNAC, Valid until 30-08-2027 (Anex-A)
- ISO 9001:2015 (TUV Austria), Valid until 26-04-2025 (Anex-B)
- ISO 45001.2018 (TUV Austria), Valid until 27-04-2027 (Anex-C). ISO 14001:2015 (TUV Austria), ISO 14001:2015Valid until 26-04-2025 (Anex-D).

Detail of some important aspects of Unit

- Firm is having GC FID and doing testing of DEG/EG impurities in solvents In injectable section having Moduler panel imported from Thailand, having properties airtight, bacterial resistance water proof etc
- For data safety and storage, firm is having Chromatographic CDS system and backup facility.
- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
- Seven Large size Stability Chambers are available in Lab.
- Poly Urethane flooring is installed in about whole area of manufacturing

Detail of Microbial Testing in Unit

- The firm is using Cape COD kit for BET.
- The sensitivity of kit is 0.125EU/ml

Batch Manufacturing Record

- Optical Checking Results in BMR record of injection Ketor (Iml) and WFT (10ml).
- Injection Ketor Batch size 20 litres. 18180
- Sample size for optical checking at final release is 20 ampoules.

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-527/2018	Injection Ketor	0561161	120	29	23	42	0.66
2	PQCB/R-528/2018	Injection Ketor	0571161	110	16	21	33	0.60
3	POCB/R-529/2018	Injection Ketor	0591161	730	16	20	32	4.02
4	POCB/R-530/2018	Injection Ketor	0581161	130	18	20	31	0.72

5	POCB/R-51/2018	Injection Ketor	0611161	110	19	26	21	0.60

WFI batch size…….172 litres…..16800

No.	**Case No. with year**	**Product**	**Batch #**	**Total Rejection**	**Particle**	**Fibers**	**Sealing defect**	**% rejection**
1	POCB/R-825/2021	Water for Injection	1341019	560	160	58	29	3.50
2	PQCB/R-826/2021	Water for Injection	1391019	410	102	44	21	2.55
3	PQCB/R-237/2021	Water for Injection	1481019	355	145	45	40	2.11

PSI report was conveyed to M/s Genix Pharma vide letter dated 07-10-2024

M/s Genix Pharma submitted CAPA vide ref. no. Q081-10/24 dated 10-10-2024 as follows:

No	Date	CPA/ NC No.	Observations	Action	Date implement	Doc's Comply/N
1	6-9-24	NC#1	The BET area of the firm having single Buffer.	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition)	N/R	Yes

				https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085		
2	6-9-24	NC#2	Liquid particle counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is not possible of available equipment.	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate	N/R	Yes
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes
4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible particle as per available SOPS	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular	N/R	Yes

5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes
6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed in wet Chemistry	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes
8	6-9-24	NC#8	Semi-automatic machine is working for washing of ampoules.	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes

10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and assay of multiple products. "Scope of PT testing is attached."	N/R	Yes

Personal hearing Notice issued to the accused.

	Summary of the case	
1	Sampling Date: (Form 4)	12-02-2018
2	Sent to DTL (Form 6):	12-02-2018
3	Date of receipt in DTL	14-02-2018
4	DTL Report date	07-04-2018
5	Time extension granted	N/A
6	1ST DI Communication with firm	25-04-2018
7	Retesting Request of Firm	25-04-2018
8	Fate of Retesting Request:	Turn down 188th M dated 28-06-2018

		RP turn down 5th CM 17-01-2019
9	Investigation Report of DI	26-07-2018 & 27-2-2021
10	Show cause notice issued	10-03-2021
11	Reply of show cause notice dated	29-03-2021
12	**Firm History: (3years)**	Firm: 6 Product: nil

Case is placed before the BOARD for Decision

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 17

PQCB/R-51/2018

Sheikh Zayed Medical College/Hospital, Rahim Yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi-Pakistan** through its CEO/MD Ch. Muhammad Israr Sharif 2. Ch. Muhammad Israr Sharif Managing Director (MD) 3. Azhar Hussain Controller Production 4. Maqsood-ur-Rehman Controller Quality Control/Warrantor of M/S Genix Pharma Pvt Ltd., 44, 45-B Korangi Creek Road, Karachi- Pakistan

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sheikh Zayed Medical College/Hospital, Rahim Yar Khan reported that:

i. He, on 02-04-2018, inspected the premises of Central Pharmacy (Main medicine store) of Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took drug sample of following drug on Form No.04 for the purpose of test/analysis.
ii. The drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Bahawalpur**, as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report** **TRA No. & Date**	**DTL Test Report Result**
Injection KETOR [Ketorolac Tromethamine 30mg/ml]	061I161	M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan	01-54000487/DTL Dated 12-05-2018	**Analysis with specifications applied:** USP 2017 **COMPOSITION:** Each ml Contains: Ketorolac Tromethamine ….. 30mg/ml **DESCRIPTION:** Colorless liquid in transparent glass sealed ampoule **02 out of 20 ampoules containing undissolvable** visible particulate matter **(Does not comply with the parenteral specifications.)** **VOLUME:** Stated: 1ml Determined: 1.06ml **pH:** Limit: 6.9-7.9

				Determined: 7.57 **STERILITY:** The product is sterile. **ASSAY:** Ketorolac Tromethamine Stated 30mg/ml Determined 28.75 mg/ml Percentage 95.85% Limit 90-110% **RESULT:** The sample is **Substandard** on the basis of Physical Test.

iii. Store keeper, Central Pharmacy (Main medicine store) of Sheikh Zayed Medical College/Hospital, Rahim Yar Khan provided Invoice/Warranty No. CIN-00032162 dated 06-03-2018 issued by M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan as a proof of its purchase.
iv. Warrantor portion of drug sample was sent to M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan.
v. A copy of test/analysis report was sent to M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan with directions to explain their position and provide requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: --

a. **Manufacturing for sale /selling of Substandard drugs**
b. **Issuance of false warranty**

Previous Proceedings regarding retesting Request:

The subject retesting request was turn down in 6th committee meeting dated 20-02-2019.

3. Show cause notice(s) issued to the accused persons

Firm submitted Written reply of Show cause vide letter ref no. Q24/03-21 dated 29-03-2021

4. Personal Hearing notice(s) issued to accused person(s)

PROCEEDINGS & DECISION BY THE BOARD

5. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **264th meeting** held on **14-07-2023** under the Chairmanship of Special Secretary, Primary and Secondary Healthcare Department, Punjab. Mr. Rifaqat, Secretary DQCB, Rahim Yar Khan via zoom link attended meeting and Mr. Ilyas, Provincial Inspector of Drugs, Sheikh Zayed Hospital, Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (Quality Control) along with Khawaja Tahir (Counsel) of M/**s** Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan appeared before the Board. The

Counsel of the firm reiterated the arguments already furnished in reply to show casue notice and further pleaded the case on following grounds:

- DTL report failed to determine the size and number of particles and protocol applied for testing. DTL report showed that assay of therapeutically active substance Ketorolac Tromethamine determined 95.85% within the permissible limit. High Court has passed a judgement which states that a drug cannot be declared substandard only on the basis of having particles until it (particle) has been tested and found injurious to health.
- Irza Pharma Judgement is a land mark Judgement, honorable Lahore High Court in case of Provincial Quality Control Board v. Irza Pharma reported as 1992 MLD 481. **The definitions** of "Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976 were examined. That Analyst's report in question, when considered within meaning of the definitions of "Adulterated drug', Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976, the drugs tested and reported, fell outside the category of definitions of Substandard Spurious and Adulterated drugs.
- Microscopic testing was not employed to the sample, according to Pharmacopeia, certain number of particles are allowed to be present in parenteral solutions.
- The clinical implications of extraneous particulate matter in injections are determined by many factors, including the size and number of particles, the composition of the material, the potential for microbiological contamination, the route of administration, the intended patient population, and the clinical condition of the patient.
- Warrantor Portion was not sent within the stipulated time. He gave the reference of Case No. PQCB R-577-09/2016 related to Infusion Dorcip Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DTL Report. TRA. No. 1077/DTL Dated: 22-09-2016. The PQCB had observed that this case was fit for prosecution on the basis of report. But, this case was DROPPED as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19 (3) of the Drug Act 1976.

6. The Board after keen observation of the case record, comprehensive scrutiny of drug testing report observed that the subject drug sample Injection Ketor [Ketorolac Tromethamine], batch No. 061I161 has been declared Substandard by the Drugs Testing Laboratory, Bahawalpur on the basis of physical test and was of the view that:

i. The appearance of undissolvable visible particulate matter in 2 out 20 ampoules imply the certainty of presence of a greater number of particles in the larger bulk of stock. Every container whose contents show evidence of contamination with undissolvable visible particulate matter should be rejected before supplying to hospital or market and the company did not assure the quality checks to ensure the quality of product.
ii. The Board was of considered view that the particles that certain number of particles that are allowed to be present in parenterals are of subvisible range and further observed that the official books states that inspected units must be free of visible particulates when examined without magnification against a black background and against a white background. The presence of visible particles indicate that the firm has not followed the protocols of the optical checking of ampoules. The eye-sight of the workers employed for optical checking must be checked after every three months and rest must be given after every two hours of optical checking. The Board was of the considered view that the visible particles are greater in size to pass through small arteries and veins which are circulating the blood throughout the body including vital organs like heart which may cause a fatal disease i.e., Myocardial Infarction (MI) or it may block some arteries supplying the blood to the brain which may cause another life-threatening disease i.e., CVA and hemiplegia (paralysis). According to the guidelines of American Society of Parenteral and Enteral Nutrition, particles of 5 to 20 μm and larger are capable of obstructing blood flow through the pulmonary capillaries, which may lead to complications such as pulmonary embolism and death of the patient. Hence, such products containing visible particulate matter are not fit for use in patients.
iii. The precedent given by the Counsel of the firm does not co-relate with the instant case, as in that

case the right of appeal of the firm under Section 22(5) was also deprived due to late communication of Drug Testing Laboratory Report to the firm. Furthermore, the warranty provided by the distributor of the firm was not on prescribed format. In the instant case the DTL Report was conveyed to the firm and the retesting request of the firm was turned-down by the Board in 6th Committee meeting dated 20-2-2019.

iv. Drug Testing Laboratory Report is generated on Form 7 provided in Punjab Drug Rules 2007 and the testing protocols are not the part of format approved in Punjab Drug Rules 2007.

7. Keeping in view of foregoing facts, the Board after due deliberation and discussion unanimously decided to grant **permission for prosecution** against the following accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended) / DRAP Act 2012 and Rules framed there

1. **M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan,** through its Managing Director Ch. Muhammad Israr Sharif.
2. Ch. Muhammad Israr Sharif Managing Director
3. Azhar Hussain Controller Production
4. Maqsood-ur-Rehman Controller Quality Control/warrantor

Of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi, Pakistan for the offences of:

a. **Manufacturing for sale /selling of Substandard drugs**
b. **Issuance of false warranty**

8. Furthermore, Board directed concerned Provincial Inspector of Drug to launch the complaint in the concerned Drug Court.

REVIEW PETITION

1. Our company has always been committed to comply with all the rules and regulations set forth by the Provincial Quality Control Board strictly.

2. That the company has manufactured many Batches in last years and all of these batches are DTL Cleared from different places. This refers that compliance of more than 95% in the previous years and has taken all necessary steps to avoid any future violations of the laid norms.

3. That as per S. 34 of Drugs Act 1976 and read with S.28 of DRAP Act 2012 whereby it is clearly provided that whosoever having knowledge and consent of an offence shall be prosecuted accordingly. For ready reference, S.34 of Drugs Act 1976 is reproduced hereunder; "34. Offences by companies, etc.-Where the person guilty of an offence under this Act, is a company, corporation, firm or institution, every director, partner and employee of the company, corporation, firm or institution with whose knowledge or consent the offence was committed shall be quilt of the offence"

That the nominees charged for offence and recommended to be prosecuted does not in line to law as provided. It is also principal of natural justice to prove any mala fide involved in every offence as occurs. Same is further iterated by the Drap Pakistan vide policy direction under S.7(f) of the act ibid. Further the warranty issued was also in accordance with the provisions laid down under Drugs Act 1976 and rules made thereunder.

4. That company has already rectified and developed an extensive quality control system and complying fully with the said regulations, However, despite our best efforts, we are afraid that the prosecution order against our company, relying solely on the previous warnings, can hamper our business and leave us with irreparable damages. The prosecution would not only damage the company's reputation but also cause chaos in the lives of thousands of employees who depend on the company for their livelihood.

Prayer:

Therefore, we humbly request your esteemed office to review the order and do justice by exonerating the company of any

wrongdoing by withdrawing order dated. We assure you of our continued adherence to the compliance norms established by authority through rules and regulations and pledge to take any corrective measures necessary to avoid any future violations and if the Honorable Board Considers appropriate, a Product Specific Inspection may also be held by the Honorable Board.

- Personal hearing notice issued to accused persons on 15-07-2024
- Case is placed before the Board for decision

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

PQCB 282nd meeting held on **24.07.2024**

9. The subject review petition was considered by the Provincial Quality Control Board under section 11 of the Drug Act 1976 in its **282nd meeting** held on **24.07.2024** under the Chairmanship of Special Secretary (Operations), Primary and Secondary Healthcare Department, Punjab /Vice-Chairperson PQCB. Mr. Rafaqat Ali Khan Secretary DQCB Rahim Yar Khan attended the meeting via zoom link and Drugs Inspector Sheikh Zayed hospital RY Khan was absent during the meeting. Mr. Maqsood ur Rehman (controller Quality control/warrantor) and Mr. Muhammad Zeeshan Akhter (Counsel) from M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan. appeared before the Board to plead the case.
10. The appellant apprised the Board that PSI has been marked for the same product having different batch by this Hon'ble Board and requested before the Board that please consider to held product specific inspection in this case also.

9. Keeping in view all aspects of the case and after giving due heed to firm's arguments, the Board unanimously decided to **pend the case** and directed to club the case limited to product specific inspection of same product having Batch # 059I161 in which PSI was already marked by the Board and directed the same committee comprising of the followings **to** conduct **Product Specific Inspection (PSI)** of **M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan**

1.	**Prof. Dr. Muhammad Uzair** Member PQCB	**Convener**
2.	**Dr. Muhammad Munawar Hayat** Secretary PQCB	Member

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

No.	**Case No. with**	**Product**	**Batch #**	**Mfg. date**	**Detail result**

	year				
1	**POCB/R-527/2018**	**Injection Ketor**	**0561161**	**01-2018**	**03out of 20 ampoules contains undissolved particles**
2	**PQCB/R-528/2018**	**Injection Ketor**	**0571161**	**01-2018**	**07 out of 20 ampoules contains undissolved particles**
3	**POCB/R-529/2018**	**Injection Ketor**	**0591161**	**01-2018**	**02 out of 20 ampoules contains undissolved particles**
4	**POCB/R-530/2018**	**Injection Ketor**	**0581161**	**01-2018**	**11 out of 20 ampoules contains undissolved particles**
5	**POCB/R-51/2018**	**Injection Ketor**	**0611161**	**02-2018**	**02 out of 20 ampoules contains undissolved particles**

Inspection was also conducted with reference to three (03) cases of Water for Injection, detail given below.

No.	**Case No. with year**	**Product**	**Batch #**	**Mfg. date**	**Detail result**
1	**POCB/R-825/2021**	**Water for Injection**	**1341019**	**02-2021**	**BET not complies**
2	**PQCB/R-826/2021**	**Water for Injection**	**1391019**	**04-2021**	**08 out of 20 ampoules contains undissolved particles & BET not complies**
3	**PQCB/R-237/2021**	**Water for Injection**	**1481019**	**07-2021**	**04 out of 20 ampoules contains undissolved particles**

- All Eight (08) samples are government supply and taken from Sheikh Zaid Hospital Rahim Yar Khan.
- All above eight (08) samples declared substandard from DTL. Bahawalpur on Clarity test basis and only two on BET test as well.
- Five (05) batches of injection Ketor manufactured in 2018.
- Three (03) batches of WFI in year 2021.

Introduction of firm

- Unit Established in 2004.
- Covered area 1,75,000 Square feet of total 4 floors.
- Currently, 11 sections of diffent pharmaceutical units.

Technical Staff

1. Syed Muhammad Noman, Technical Director.

2. Mr. Hamyun, Head Quality Assurance.

3. Syed Faiz ul Haq, GM Production.

4. Muhammad Ashraf, Deputy Director, Quality Operation.

5. Ms. Shaheen Arzoo, Visit coordinator.

Certifications of M/S Genix Pharma

- 1S0 17025:2017 (Lab No 241), PNAC, Valid until 30-08-2027 (Anex-A)
- ISO 9001:2015 (TUV Austria), Valid until 26-04-2025 (Anex-B)
- ISO 45001.2018 (TUV Austria), Valid until 27-04-2027 (Anex-C). ISO 14001:2015 (TUV Austria), ISO 14001:2015Valid until 26-04-2025 (Anex-D).

Detail of some important aspects of Unit

- Firm is having GC FID and doing testing of DEG/EG impurities in solvents In injectable section having Moduler panel imported from Thailand, having properties airtight, bacterial resistance water proof etc
- For data safety and storage, firm is having Chromatographic CDS system and backup facility.
- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
- Seven Large size Stability Chambers are available in Lab.
- Poly Urethane flooring is installed in about whole area of manufacturing

Detail of Microbial Testing in Unit

- The firm is using Cape COD kit for BET.
- The sensitivity of kit is 0.125EU/ml

Batch Manufacturing Record

- Optical Checking Results in BMR record of injection Ketor (Iml) and WFT (10ml).
- Injection Ketor Batch size 20 litres. 18180
- Sample size for optical checking at final release is 20 ampoules.

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-527/2018	Injection Ketor	0561161	120	29	23	42	0.66
2	PQCB/R-528/2018	Injection Ketor	0571161	110	16	21	33	0.60
3	POCB/R-529/2018	Injection Ketor	0591161	730	16	20	32	4.02
4	POCB/R-530/2018	Injection Ketor	0581161	130	18	20	31	0.72
5	POCB/R-51/2018	Injection Ketor	0611161	110	19	26	21	0.60

WFI batch size…….172 litres…..16800

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-825/2021	Water for Injection	1341019	560	160	58	29	3.50
2	PQCB/R-826/2021	Water for Injection	1391019	410	102	44	21	2.55
3	PQCB/R-237/2021	Water for Injection	1481019	355	145	45	40	2.11

PSI report was conveyed to M/s Genix Pharma vide letter dated 07-10-2024

M/s Genix Pharma submitted CAPA vide ref. no. Q081-10/24 dated 10-10-2024 as follows:

No	Date	CPA/ NC No.	Observations	Action	Date implement	Doc's Comply/N
1	6-9-24	NC#1	The BET area of the firm having single Buffer.	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition) https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085	N/R	Yes
2	6-9-24	NC#2	Liquid particle counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is not possible of available equipment.	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate	N/R	Yes
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes

4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible particle as per available SOPS	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular	N/R	Yes
5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes
6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes

			in wet Chemistry			
8	6-9-24	NC#8	Semi-automatic machine is working for washing of ampoules.	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes
10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and assay of multiple products. "Scope of PT testing is attached."	N/R	Yes

Personal hearing Notice issued to the accused.

	Summary of the case	
1	Sampling Date: (Form 4)	02-04-2018
2	Sent to DTL (Form 6):	02-04-2018
3	Date of receipt in DTL	10-04-2018
4	DTL Report date	12-05-2018
5	Time extension granted	N/A
6	1ST DI Communication with firm	02-06-2018
7	Retesting Request of Firm	12-06-2018
8	Fate of Retesting Request:	Turn down 6th C.M dated 20-02-2019
9	Investigation Report of DI	01-03-2021
10	Show cause notice issued	09-03-2021
11	Reply of show cause notice dated	29-03-2021
12	**Firm History: (3years)**	Firm: 6 Product: nil

Case is placed before the BOARD for Decision

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 18

PQCB/R-237/2021

Sheikh Zayed Hospital Rahim Yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan,** through its Managing Director/CEO Ch. Muhammad Israr Sharif. 2. Ch. Muhammad Israr Sharif — Managing Director/CEO 3. Syed Faiz-ul-Haq — Production Incharge 4. Maqsood-ur-Rehman — Quality Control Incharge/warrantor Of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan.

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Sheikh Zayed Medical College/Hospital, Rahim Yar Khan reported that:

i. He, on 23-08-2021, inspected the premises of Central Pharmacy (Main medicine store) of Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took drug sample of following drug on Form No.04 for the purpose of test/analysis.
ii. The drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Bahawalpur**, as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report** **TRA No. & Date**	**DTL Test Report Result**
Injection Water for Injection Genix [Sterile 10ml water for injection]	148I019	M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan	01-77005169/DTL Dated 25-10-2021	**Analysis with specifications applied:** BP 2020 **COMPOSITION:** Each ampoule Contains: Sterile Water For Injection BP….. 10ml **DESCRIPTION:** Colorless liquid in sealed glass ampoule (Stated volume: 10ml), *Four (04) ampoules out of 20 were having undissolved material.* **(Does not comply with the parenteral specifications.)** **VOLUME:**

				Stated: NLT Nominal Volume 10ml Determined: 10ml **CONDUCTIVITY:** **Limit:** NMT 25µs/cm Determined: 19.347 µs/cm **STERILITY:** The product is sterile. **ENDOTOXIN TEST:** **T**he product complies the test as per pharmacopeial limits. **RESULT:** The sample is **Substandard** on the basis of Physical Test.

iii. Store keeper, Central Pharmacy (Main medicine store) of Sheikh Zayed Medical College/Hospital, Rahim Yar Khan provided Invoice/Warranty No. PKS-00092009 and PKS-00092010 dated 10-08-2021 issued by M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan as a proof of its purchase.
iv. Warrantor portion of drug sample was sent to M/S Faisal Pharma, Muhammadia Colony, 326/D-XI, Bahawalpur.
v. A copy of test/analysis report was sent to M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan with directions to explain their position and provide requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of: --

i. **Manufacture for Sale / Sale of Sub-standard Drug.**
ii. **Issuance of false warranty.**

3. Show-cause notice(s) issued to accused person(s)

Written Reply of showcause notice submitted by the firm vide letter no. 02.WFI-G-SCN/R-237PQCB/2021 dated 19-03-2022

Following submissions are made;

1. That Genix Pharma (Private) Limited was founded in the year 2004 with the vision to help and provide top quality and affordable medicine for all those in need. Since inception, Genix has grown from being a relatively humble contender to being one of the fastest growing companies in the Pakistani Pharmaceutical Arena. Having the best human capital, coupled with a state of the art manufacturing facility Spanning over 175,0O0 sq. feet and the prime focus on quality, the company aim to become the benchmark in the pharmaceutical industry The product line ranges from specialty products to OTC medicines, as we believe in providing a wide range of products to cater to the needs of all types of requirements. The company is making an ever-increasing contribution to the export exchequer of Pakistan by exporting medicines to more than 20 countries including

Afghanistan, Sri Lanka, Ivory Coast and African Countries. Genix is strongly committed to its responsibility towards community and patients. Geníix's products bring a promise of QUALITY, and ensure smooth and flawless operations at its facility with local manufacturing in compliance with global quality standards that are strictly maintained and followed meticulously at every level in the process of

manufacturing.

2. That reference sample of the same batch has been tested by high tech particles measuring system employed at the quality control department of the Company. Report was in compliance with pharmacopeial specifications.

3. That the Inspector failed to observe whether Sterile Water for Injection BP 10ml B. No. 1481019 contained any undissolved material at the time of inspection/ sampling. PQCB did not realize that Inspector either maliciously or inefficiently omitted this part. Otherwise, it was a good case of seizure on Form 5 plus Confirmatory Sampling on Form No.4. This omission raíses reasonable doubts lethal in any criminal proceedings/ trial.

4. That the Government Analyst has maliciously brought his result under the category of Substandard Drug instead of relevant category of Adulterated drug (Section 3 of the Drug Act 1976). The Government Analyst, DTL, Bahawalpur has acted maliciously with ulterior motive while declaring the drug as substandard based upon the observation of "undissolved material", This drug must have been declared Adulterated based upon the aforesaid observation. The definitions of Substandard and Adulterated drug reproduced below

"zz" substandard drug means a drug which is not specifications, "

Adulterated drug, "means a drug

i. which consists in whole or in part of any filthy, putrid or decomposed substance, or
ii. which contains any foreign matter, vermin, worm, rodent or insect; or
iii. which has been manufactured, packed or held under unsanitary conditions whereby it may have been contaminated with dirt, filth or any other foreign matter, or whereby it may have been rendered injurious to health; or
iv. the container of which release any poisonous or deleterious substance which may render the contents injurious to health; or
v. which bears or contains as an ingredient a substance other than prescribed substance;
vi. with which any substance has been mixed or packed so as to reduce its quality or strength or for any which any substance has been substituted wholly or in part

5. That report TRA No. 01.77005169/DTL Dated 26.10.20.2021 related to Sterile Water for Injection BP 10ml B.No. 1481019 purported to be manufactured by M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Roaad, Karachi-Pakistan.is non-conclusive + unlawful as full protocols the test applied to reach the conclusion and Result of disputed drug as substandard have not been given in the. Test Report. The single bench of Lahore High Court has held that Reports of Analyst has to

be conclusive and must disclose the tests applied to formulate opinion of Government Analyst. There is always likihood of errors in Tests/analysis report that would be of adverse consequence and definitely affects substantial rights of a person. Therefore, the description of the experiment including method evaluating standards/ results must be Crystal clear whenever report would be disputed. Reliance on PLD 2003 Lah. The honorable Single Judge relied on these judgments in the reported cases- Gyanendra Nath Mittal v. State AR 1959 All. 634; S. Dutta and another. The DB Judgments of Peshawar High Court and Quetta High Court had also held that report without protocol were fatally defective and unlawful. Reliance on 1996 P Cr.L.J 1183 (Peshawar). 115, PLI 2012 Cr.C. (Quetta) 546 (DB). The honorable Supreme Court has held in case reported as 2019 5CM 930 "Report of the Government Analyst must contain Protocol. The term "protocol" has not been defined in the Rules, Its dictionary meaning is: "A plan of scientific experiment or other procedure. It is also referred to as "the precise method for carrying out or reproducing a given experiment. (Chambers 21st Century Dictionary, 2007 Edition, page 1114 (https://wikidiff.com/protocol/method.) These definitions are in line with the elaboration of the term "protocol" given in case of lmam Bakhsh wherein the Court stated the expression "protocol to mean an explicit plan of an experiment, procedure or test. It is clarified that "protocol" is therefore, a recognized standard method or plan for carrying out the test applied to ascertain the nature of the substance under examination. No test an take place without a protocol. The Report of the Government Analyst must show that the test applied was n accordance with a recognized standard protocol. Any test conducted without a protocol loses its reliability and

evidentiary value. Therefore, to serve the purposes of the Act and the Rules, the Report of the Government Analyst must contain

(i) The Tests Applied

(Ti) The Protocols Applied To Carry Out These Tests

(ii) The Result of the Test

6. That the report TRA No. 01.77005169/DTL Dated 26.10.20.2021 related to Sterile Water For Injection BP 10ml B.No.1481019 purported to be manufactured by M/s Genix Pharma Pit Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan-indicates in a crystal clear manner that Government Analyst violated the mandatory Section 3 of the Drug Act 1976 and The Specification Rules 1978 because he has applied Specification of BP 2020 instead of the latest BP 2021.

7. That the manufacturer is not liable for any contravention if something goes wrong due to inadequate storage condition outside prescribed labelled direction. The section 32(3) of the Drugs Act 1976 require that it must be ascertained that drug while in possession of purchaser, was properly stored and remained in the same state as when he had acquired it from manufacturer No doubt improper storage conditions outside labelled instructions, may adversely affect the quality of the drug physically and chemically. The drugs must be stored, throughout the shelf life including prior to test-Storage Condition during sampling. Transit Storage and storage at the concerned DTLs. Nobody know that whether storage conditions were compliant to section 32 of the Drugs Act

1976 during the process of sampling. Transport and storage. Reasonable possibility of sample obtained by the Drug Inspector and subsequently sent to the Laboratory having been deteriorated due to its improper storage after purchase from the manufacturers not ruled out Accused, held, entitled to the benefit of doubt and the convictions and sentence were set aside. Reliance 1985 P Cr. I. J 281. 1984 P Cr. LJ 1580.

8.That Noncompliance to Section 19 (3) related to statutory requirement of sending warrantor's portion within seven days, is an illegality. The Warrantor's portion has not been sent to the manufacturer within statutory period of seven days as prescribed under Section 19(3) (iv) of the Drugs Act 1976. The non-observance to said procedure is reasonably doubtful and is an illegality. The PQCB has unanimously dropped a Case No. PQCB R-577-09/2016 related to Infusion Dorcip Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DTL Report. TRA. No. 1077/DTL Dated: 22-09-2016. The PQCB had observed that this case was FIT FOR PROSECUTION based on report. But this case was DROPPED as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19 (3) f the Drug Act 1976. PQCB members may kindly compare the present case with the IGNORED CASE of Infusion Dorcip to ascertain level of potential and real clinical Risks /ADR. Both cases are similar with the ignored case may differentiated as of more severity. It is added that the author of the SCN has not mentioned date of dispatch/ receipt of Warrantor' s portion in Para-iv due to reason best known to him.

9. That perusal of the report TRA No. 01.77005169/DTL Dated 26.10.20.2021 related to Sterile Water For Injection BP 10ml B. No. 1481019 purported to be manufactured by M/s Genix Pharma Pt Limited 44 45-B Korangi Creek Road, Karachi-Pakistan. Complies the Volume, Conductivity, Sterility and Endotoxin Test as per Pharmacopoeia limits/approved standard. The Government Analyst has declared the sample erroneously substandard based on DESCRIPTION: "Colorless liquid in sealed glass ampoule (Stated volume: 10ml) Four (04) ampoules out of 20 were having UNDISSOLVED MATERIAL. (Does not comply with the parenteral specifications.). It appears that Government Analyst, Drug Testing Laboratory Bahawalpur is unacquainted about the land mark historic judgment of Division Bench of Lahore High court in Intra-Court Appeals Nos. 127 and 128 of 1989, decided on 28th October, 1991reported in 1992 M LD 481 whereby holding that 'A4 drug could not be declared as substandard. The DB Judgment of Peshawar High court also held that drug could not be declared substandard on the basis of particle and report without protocol was fatally defective. 1996 P Cr.L.J 1183 (Peshawar).

PARTICULATE MATTER in injections and parenteral infusions consists of extraneous mobile undissolved particles, other than gas bubbles, unintentionally present in the solutions, similarly products that produce air or gas bubbles when drawn into the sensor may also require microscopic particle count testing. There are two tests, LIGHT OBSCURATION, which uses light blockage to determine the size and count of particulate matter in the solution; and ASSAY, which is a measurement of un-dissolvable particles or substances present in the solution usually plastics, metals or dust. There are basically two tests, light obscuration, which uses light blockage to determine the size and count of particulate matter in the solution; and microscopic assay, which is a measurement of un-dissolvable particles or substances presenting the solution - usually plastics, Particles of varying sizes have been observed in inject-able drug products, such as visible and sub visible. The particles of 1-50 Micron size are known as sub visible particles and particles of >50 micron is considered as visible particles. Visible particles are defined as those that can be detected under controlled conditions by the unaided

human eye (i.e., without supplemental magnification).

Identification of the composition of the particulate matter is the first step in characterizing particulate matter risk. Based on this information, particles can be further classified into one of three subcategories.: extrinsic, intrinsic, and inherent

A. Extrinsic Particles are defined as those that are not part of the formulation, package, or process, but are foreign and unexpected. Examples of extrinsic particles include fibers (e.g., cellulous) clothing fragments, hair, rubber, metal, plastic, and paint Intrinsic Particles are

defined as those that arise from sources related to the

B. Intrinsic Particles are those that arise from sources related to the formulation, packaging, or processes. Examples of intrinsic particle materials include glass, stainless steel, rubber from stoppers, and gasket material.

C Inherent Particles are defined as materials that are expected from the drug formulation, and thus represent generaly accepted characteristic of the product. Examples of inherent matter Proteinaceous aggregates metals or dust.

10. That the crucial question for legality of similar reports was evaluated in depth by honorable Division Bench of honorable Lahore High Court in case of Provincial Quality Control Board v. Irza Pharma reported as 1992 M LD 481. The definitions of "Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976 were examined. It was held

A. That if the samples taken conform to the stated specifications chemicaliy do not fall within the defnition of the substandard drugs

B That the learned single Judge rightly held the term substandard drug with particles is not known to the Drugs Act; and that is true.

C There was nothing on the record to show, as to what is the nature of the particles found in the samples, and what are its consequences? (Whether Injurious to health),

D. That Analyst's report in question, when considered within meaning of the definitions of Adulterated drug, Spurious and Substandard Drug as given in Section 3 of the Drug Act 1976, the drugs tested and reported, fell outside the category of definitions of Substandard Spurious and Adulterated drugs, The para 8 of the above

Judgement is reproduced as From the aforesald definition, it ls evident that the Law Makers have taken note of the eventualities, implications and the nature off the manufacturing_ of the drugs while making_the law, Hence, the law and its intention as envisaged by the Drugs Actis very sacred and clear. Unfortunately in our count

functionaries under the law misuse the same, which is nothing but malice in law. Can We allow course to perpetuate so as to leave room for rampant corruptionThe obvious answer is in _the negaative, On_the other hand this_Court_under its Constitutional jurisdiction, as enjoined by the Constitution_ has to protect the

observance of law as well as the bona fide exercise of the duties of the functionaries under the Statute. In this behalf, we are fortified in our view by the observations of the Supreme Court while commenting upon Article 2 of 1962 Constitution_ now Article 4 of 1973 Constitution_ in _the case reported as Malik Ghulam Jillani v The

Federation of Pakistan PLD 1967 SC 373. The relevant observations are added as hereunder: - "Under the Constitution of Pakistan a wholly different state of affairs prevails. Power is expressly given by Article 98 to the Superior Court to probe into the exercise of public power by executive authorities, how high so ever, to determine

whether they have acted with lawful authority. The judicial power is reduced to a nullity if laws are so worded or interpreted that the executive authorities may make what statutory rules they please thereunder and may use this freedom to make themselves the final judges of their own 'satisfaction' for imposing restrains on the enjoyment of the fundamental rights of citizens. Article 2 of the Constitution could be deprived of all its content through this process and the Courts would cease to be guardians of the nation's liberties

THE CLINICAL IMPLICATIONS of extraneous particulate matter in injections are determined by many factors, including the size and number of particle’s, the composition of the material, the potential for microbiological contamination, the route of administration, the intended patient population, and the clinical condition of the patient. For example, an otherwise healthy individual receiving a subcutaneous or intramuscular injection containing sterile, inert particulates would likely experience no adverse effect or at worst would develop a small granuloma. On the other hand, a critically ill premature infant receiving a particle-laden infusion directly through an umblical catheter might suffer considerable pathophysiologic sequelae.

That without ascertaining the nature, undissolved material., it is not possible to ascertain whether particulate matter allegedly observed by the Government Analyst is Injurious to Health as a consequence of degradation product of water impurities or a Foreign Particle coming from the environment during manufacturing process of injection or is the product of interaction between active and pharmaceutical necessities or some other source That it is vital to implement the basic principle that "it is worthless if the clinical impact of out of specifications drugs are not determined. The finding of Physical Deviations in the samples must be substantiated by inference that what

would be its consequences based upon scientific evidence. The myths and realities about clinical correlation between alleged visible particulate matter and ADR would be explained before the PQCB if allowed during statuary personal hearing.

That not a single unit of this drug has been used on any patient. It is added that Injection are administered under the supervision of A Professional Health Care Provider who is duty bound to administer clear injectable free from all the particulate matters. There is a need to understand that supply of medicines to the Private market and Public Sector Government Institutions are different. The Sale to private sector does not require any pre testing by lab and purchase requires procure medicine under a valid warranty, In government supplies, the manufacturer gives warranty but the medicines are not released for use by the patient until standard quality report received from the competent legal Government Analyst. Furthermore, the manufacturer immediately receives payment while selling drugs to a purchaser in private market whereas the Government Analyst subjects the payment in government Supplies to many checks including issuance of standard Quality Report. It is not possible to use any Government Supply Medicine without being tested. The batches manufactured for Government Supplies are for exclusive use of patient coming to government hospitals. No one could use government medicine without the Quality certificate/report. The company because of Potential As well as Actual Clinical Risk + Harm + ADR has never defended the presence of particulate matter in injection. However, misuse of Particulate Matter as a Tool of Victimization is always contested, opposed and defended.

TEST VISIBLE PARTICULATES IN INJECTIONS is intended to be applied to product that has been 100% inspected as part of the manufacturing process. Injections shall be clear and free from visible particulates when examined without magnification (except for optical correction as may be required to establish normal vision) against a black background and against a white background with illumination that at the inspection point has an intensity between 2000 and 3750 lux. This may be achieved using two 15-W fluorescent lamps (e.g., F15/T8). The use of a high frequency ballast to reduce filcker from the fluorescent lamps is recommended. Higher illumination intensity is recommended for examination of product in containers other than those made firm clear glass. The method is described as "Remove any adherent labels from the container and wash and dry the outside. Gently swirl or invert the container, ensuring that air bubbles are not introduced, and observe for about 5 s in front of the white panel. Repeat the procedure in front of the black panel. Record the presence of any particles. Appendix XIllB. Particulate Contamination: Visible Particles (Ph. Eur. method 2.9.20. It is apprehended that Government Analyst did not apply this method. The name of Government Analyst is not mentioned on the reports that raises reasonable doubts regarding appointment of Gazette Notified Government Analyst as per requirement of section 16 of the Drug Act 1976.

11. That decisions of the 218h meeting PQCB held on 27.02.2021 have not been implemented. PQCB constituted two committees in order to streamline issue of particulate matter in injection

Committee no. 01	1.Professor Dr. Sajid Bashir member PQCB 2. Prof. Dr. Muniza Qayum	TOR- That Research studies should be conducted to understand that why particulate matter is found in injections and how it could be eliminated
Committee no. 02	1. Ijaz Alvi. Convener 2. Syed Ahmad Nazir Gillani. Member 3. Ahmad Javed Member	TOR- Formulating general instructions regarding the case particulate matter received in PQCB, Punjab, Lahore
	Dr.Khawaja Tahir Mahmood Advocate was asked to give full length presentation on the given topic (Particulate matter in Injections)	
REMARKS	Nothing has been done by the above two committees until today because neither the reports related to Research studies Guidelines have been shared/ discussed with Stakes-Holder Dr. Khawaja Tahir Mahmood Advocate has not been given time to present his power point presentation before the PQCB	

Committee presentation before the Board.

12.That no Pre- Show Cause Notice (SCN) scrutiny done and SCN issued in violation of rule 5. (3) The Punjab Drugs Rules, 2007 is illegal. This mandatory scrutiny would have done Justice with the applicant who has been dragged in the process of malicious prosecution. The rule reproduced as "The PQCB shall examine a case referred to it by an Inspector and shall, if an action is proposed to be taken against a person under the Act or the rules, issue a show cause notice to the person and provide him an opportunity for hearing before taking the action about the prosecution of the person or recommending suspension or cancellation of his licence to the licensing authority.

13. That the para 2 of the SCN is vehemently denied as company has not contravened any provision of the Drug Act 1976/DRAP Act 2012 as evident from the following facts and law

i. The company has neither contravened section 23/27 of the Drug Act 1976 (as amended) nor the DRAP act 2012 and Rules framed thereunder. The case is based upon the Non-Conclusive Report of Government Analyst, as sufficient evidence in controversion to this report is available as per requirement of section 22(4) of the Drug Act 1976. 23/27 of the Drug Act 1976 is maliciously applied by omitting the specific sections. 23(1) (a-I-x, b-h, 101-il and (27-1), (27-2), (27-3) and (27-4). The Punjab Amendment in the Drug Act 1976 and DRAP Act 2012 not applicable simultaneously on this case because the Drug Act 1976 which is the part of Schedule VI of DRAP Act 2012 is different from the Drug Act 1976 with Punjab Amendment 2017/2018.
ii. The charge of Issuance of false warranty is based upon misreading of relevant law. The warranty was issued after release of standard quality report by Quality Control Department of the company. The offence of issuance of false warranty is added to enhance punishment with malafide intention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason were available as warranty was given after release of medicines by Quality Control Department of the Company. The section 27.(2)(b) is reproduced below

27 (2) whoever himself or by any other person on his

(a) or

(b) gives to the purchaser a false warranty in respect of any drug sold by him that the drug does not in any way contravene the provisions of section 23 and is not able to prove that, when he gave the warranty he had good and sufficient reason to believe the same to be true

14. That the para 3 of the SCN is responded - "The company does not agree with all the names nominated by the Inspector who has acted mechanically while using long handle of Discretion in ascertaining name of Ch. Muhammad Israr Sharif, Managing Director as accused, in disrespect the section 11 & 34 of the Drugs Act 1976 and Rule 5 of the Punjab Drug Rules 2007 He is not directly related to the issues under consideration as all routine operations are done without his prior knowledge and consent. The Honorable Supreme Court of Pakistan has settled the question of liability related to the company in a case reported as P LD 1978 Supreme Court 193

(Superintendent of Police, Federal Investigation Agency, Lahore and another--Appellants Versus Akhtar Hussain Bhutta---Respondent). Therefore, it would be difficult to presume that the respondent was guilty of the manufacture of the said substandard drug for and on behalf of the Company, just because he happened to be its Managing Director.

Similarly, name of Mr. **Magsood** Ur Rehman as Quality Control In-charge has been unlawfully included/ ascertained for prosecution by Drug Inspector for the offences of Manufacturing/Sale of Substandard anad issuance of False Warranty. Because manufacturing and Quality Control Department are Distinct and Independent The definition of manufacture under sectiorn 3 of the Drugs Act 1976 is reproduced below as reference

3r) "manufacture" in relation to a drug, means all operations involved in the production of the drug including_processing, compounding formulating, filling, packing, repacking, altering, ornamenting, finishing

and labelling with a view to its storage sale and distribution, but does not include the compounding and dispensing or the packing of any drug the ordinary course of retail business or on a prescription of a registered medical practitioner or dentist or ofa veterinarian and "to manufacture" shall be construed accordingly

The rule 16 (e) of Drugs (Licensing, Registering and Advertising) Rules, 1976 dealing with Conditions for the grant or renewal of licence to manufacture drugs by way of formulation reproduced below

16 (e) The Quality Control Department shall be independent of the manufacturing unit and its Incharge shall be whole time employee of the

manufacturer and shall possess a degree in pharmacy, or a degree in science

with chemistry or a degree in medicine or pharmacology (for pharmacological testing) or a degree in microbiology (for microblological testing) and has sufficient experience in testing of drug,

15. The PARA 3 of SCN is reproduced,

3. You are therefore required under Section (11) of the Drugs Act, 1976 and Rules (5) of the Punjab Drug Rules 2007 (as amended) to show cause as to why I. You should not be prosecuted for committing above said contravention[s] in the Drug Court

II. The licensing Authority/ Drug Registration Authority should not be recommended for cancellation /suspension of your Drug Manufacturing/ Sale License and Drug Registration.

III. Other suitable legal action [s] should not be taken against you,

Comments/Explanation; The prosecution would be unlawful because it would be based upon a Non Conclusive Report that cannot be used as evidence in any criminal trial. Furthermore, mandatory provisions of Drug Act 196 have been violated which would adversely affect the prosecution culminating into a futile exercise which would ultimately lead to acquittal of the accused. It is respectfully repeated / reminded that report of Government Analyst which form basis of this SCN is neither legal nor conclusive and. The quality

of sample must be ascertained by Retesting from the NIH Islamabad which is appellate lab under the Drug Act 1976. Please read with the commerts + explanation of Para 2 of the SCN.

The PQCB cannot give recommendation of the licensing Authority / Drug Registration Authority either for cancellation /suspension of your Drug Manufacturing or/ and Drug Registration because the PQCB has not conducted any inspection as per requirement of Section 11(5(a) of the Drug Act 1976 (Punjab Drug Amendment Act 2017/2018) is reproduced below

11 (5) The following shall be the powers and functions of the Provincial

Quality Control Board, namely:

(a)to inspect any premises where any drug is being, or is to be, manufactured or sold and to recommend to the appropriate authority the cancellation or suspension of the licence to manufacture or sell drugs granted to any person who is found to be contravening, or to have contravened, any of the provisions of this Act, or the rules;

The only legal action would be dropping of the case under the Drug Act 1976 because any other action would be equivalent to out of good faith - unlawful act cutside the legal boundaries of the applicable prevailing Drug laws in Punab / Pakistan.

AT the end it is requested

Kindly ignore the case, as there would be no likelihood of success of this case in any Court of law. The PQCB is requested to pass speaking order by giving annulated confrontation to the defence of the company. It is now well settled that non-speaking order is to be discouraged and authority is required to give reasons while passing administrative as well as judicial orders. It must supply adequate reasons for the conclusion arrived at and should refiect application of judicious mind by the Judge / authority and not to be mechanical or non

speaking. Reliance, in this regard, can be placed upon Province of Sindh through Secretary Education Government of Sindh Karachi and 3 others vs Miss Salma Bano and others (2003 SCMR 1126). Muhammad Farooq Shah v Shakirullah (2006 SCMR 1657), Abdul Majeed Zafar and others v. Governor of the Punjab through Chief Secretary and others (2007 SCMR 330), Umar Din through L Rs. V. Mst. Shakeela Bibi and others (2009 SCMR 29), Secretary Ministry of Health Government of Pakistan, Islamabad and another v. Dr. Rehana Hameed and others (2010 SCMR 511), Government of Pakistan through Director-General, Ministry of Interior Islamabad and others V. Farheen Rashid (2011 SCMR 1) and others vs. Messrs MFM Industries Ltd. In addition, others V. Federaton of Pakistan through Ministry of Commerce and others (2015 SCMR 1550).

The statuary personal hearing may please be given whenever the issue is presented before the PQCB for any interim or Final Order. Additional grounds/viewpoints would be submitted during personal hearing before the PQCB at the time of consideration of this case if confrontation required in response to quire of the honorable PQCB members. Every citizen of Pakistan is entitled to be dealt in

accordance with law and Due Process as per requirement of 1973 Constitution of Islamic Republic of Pakistan.

Personal Hearing notice(s) issued to accused person(s)

PREVIOUS PROCEEDING & DECISION BY THE BOARD:

1. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **275th Special meeting** held on **31-01-2024** under the chairmanship of Vice chairperson, PQCB. Mr. Rafaqat Ali, Secretary DQCB, Rahim Yar Khan and Mr. Ilyas Provincial Inspector of drugs Sheikh Zayed Hospital Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (DGM Quality Control), of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi Pakistan appeared before the Board and submitted that same batch passed from Ganga Ram Hospital DTL, Lahore.
2. The Board after careful case record and scrutiny of DTL report observed that subject batch was substandard on the basis of physical test i.e., Four (04) ampoules out of 20 were having undissolved material. The Board is of the view that in order to dig out the root cause of the defect, the Production and Quality Control & Assurance for subject drug need to be evaluated. the Board after due deliberation and discussion, unanimously decided to **pend the case** and club with cases **R-825, 826/2021** in which a committee has already constituted comprising of the following members to conduct **Product Specific Inspection (PSI)** of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan and submit report for consideration by the Board.
3. Furthermore, the Board directed the committee to submit its report in this regard at earliest otherwise Secretary PQCB would be authorized to change the committee members._Moreover , the drug inspector is directed to retain an appropriate portion for Court purposes and dispose-off the remaining stock having Expiry date of 07-2023 (if not recovered and seized on Form-3 & Form-5) from Expired Drug Disposal Committee (EDDC) of health facilities already constituted vide PSHD notification No. SO (HP) 2-9(2)/ 2021 dated 14-February, 2022 and PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively.

1	Prof. Dr. Muhammad Uzair	Convener
2	Dr. Muhammad Munawar Hayat (Secretary PQCB, Punjab)	Member

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

No.	**Case No. with year**	**Product**	**Batch #**	**Mfg. date**	**Detail result**

1	**POCB/R-527/2018**	**Injection Ketor**	**0561161**	**01-2018**	**03out of 20 ampoules contains undissolved particles**
2	**PQCB/R-528/2018**	**Injection Ketor**	**0571161**	**01-2018**	**07 out of 20 ampoules contains undissolved particles**
3	**POCB/R-529/2018**	**Injection Ketor**	**0591161**	**01-2018**	**02 out of 20 ampoules contains undissolved particles**
4	**POCB/R-530/2018**	**Injection Ketor**	**0581161**	**01-2018**	**11 out of 20 ampoules contains undissolved particles**
5	**POCB/R-51/2018**	**Injection Ketor**	**0611161**	**02-2018**	**02 out of 20 ampoules contains undissolved particles**

Inspection was also conducted with reference to three (03) cases of Water for Injection, detail given below.

No.	**Case No. with year**	**Product**	**Batch #**	**Mfg. date**	**Detail result**
1	**POCB/R-825/2021**	**Water for Injection**	**1341019**	**02-2021**	**BET not complies**
2	**PQCB/R-826/2021**	**Water for Injection**	**1391019**	**04-2021**	**08 out of 20 ampoules contains undissolved particles & BET not complies**
3	**PQCB/R-237/2021**	**Water for Injection**	**1481019**	**07-2021**	**04 out of 20 ampoules contains undissolved particles**

- All Eight (08) samples are government supply and taken from Sheikh Zaid Hospital Rahim Yar Khan.

- All above eight (08) samples declared substandard from DTL. Bahawalpur on Clarity test basis and only two on BET test as well.
- Five (05) batches of injection Ketor manufactured in 2018.
- Three (03) batches of WFI in year 2021.

Introduction of firm

- Unit Established in 2004.
- Covered area 1,75,000 Square feet of total 4 floors.
- Currently, 11 sections of diffent pharmaceutical units.

Technical Staff

1. Syed Muhammad Noman, Technical Director.

2. Mr. Hamyun, Head Quality Assurance.

3. Syed Faiz ul Haq, GM Production.

4. Muhammad Ashraf, Deputy Director, Quality Operation.

5. Ms. Shaheen Arzoo, Visit coordinator.

Certifications of M/S Genix Pharma

- 1S0 17025:2017 (Lab No 241), PNAC, Valid until 30-08-2027 (Anex-A)
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Detail of some important aspects of Unit

- Firm is having GC FID and doing testing of DEG/EG impurities in solvents In injectable section having Moduler panel imported from Thailand, having properties airtight, bacterial resistance water proof etc
- For data safety and storage, firm is having Chromatographic CDS system and backup facility.
- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
- Seven Large size Stability Chambers are available in Lab.
- Poly Urethane flooring is installed in about whole area of manufacturing

Detail of Microbial Testing in Unit

- The firm is using Cape COD kit for BET.
- The sensitivity of kit is 0.125EU/ml

Batch Manufacturing Record

- Optical Checking Results in BMR record of injection Ketor (Iml) and WFT (10ml).
- Injection Ketor Batch size 20 litres. 18180
- Sample size for optical checking at final release is 20 ampoules.

No.	Case No. with year	Product	Batch #	Total Rejection	Particle	Fibers	Sealing defect	% rejection
1	POCB/R-527/2018	Injection Ketor	0561161	120	29	23	42	0.66
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WFI batch size…….172 litres…..16800

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PSI report was conveyed to M/s Genix Pharma vide letter dated 07-10-2024

M/s Genix Pharma submitted CAPA vide ref. no. Q081-10/24 dated 10-10-2024 as follows:

No	Date	CPA/ NC No.	Observations	Action	Date implement	Doc's Comply/N
1	6-9-24	NC#1	The BET area of the firm having single Buffer.	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition) https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085	N/R	Yes
2	6-9-24	NC#2	Liquid particle counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is not possible of available equipment.	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate	N/R	Yes
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes

4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible particle as per available SOPS	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular	N/R	Yes
5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes
6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes

			in wet Chemistry			
8	6-9-24	NC#8	Semi-automatic machine is working for washing of ampoules.	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes
10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and assay of multiple products. "Scope of PT testing is attached."	N/R	Yes

Personal hearing Notice issued to the accused.

Summary:

Manufacturing Date: 07-2021

Expiry Date: 07-2023

Sampling Date: 23-08-2021

Sent to DTL (Form 6): 23-08-2021

Date of receipt in DTL: 27-08-2021

DTL Report Date: 25-10-2021

1ST DI Communication with firm on dated: 15-11-2021

Date of Retesting Request of Firm To DI: No

Investigation Report Dated: 07-12-2021

Case is placed before the Board for decision.

CURRENT PROCEEDING & DECISION BY THE BOARD:

Case No. 19

PQCB/R-825, 826/2021

Sheikh Zayed Hospital, Rahim yar Khan

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan,** through its Managing Director Ch. Muhammad Israr Sharif. 2. Ch. Muhammad Israr Sharif Managing Director 3. Syed Faiz-ul-Haq Production Incharge 4. Maqsood-ur-Rehman Quality Control Incharge/warrantor Of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Sheikh Zayed Medical College/Hospital, Rahim Yar Khan reported that:

i. He, on 06-05-2021, inspected the premises of Central Pharmacy (Main medicine store) of Sheikh Zayed Medical College/Hospital, Rahim Yar Khan and took drug sample of following drug on Form No.04 for the purpose of test/analysis vide memorandum No. 319 & 321/DI-SZH-RYK dated 06-05-2021.
ii. The drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Bahawalpur**, as detailed below:

Sr No	Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
1	INJECTION. WATER FOR INJECTION GENIX [STERILE 10ML WATER FOR INJECTION] **Mfg** Date:	134I019	Genix Pharma, Karachi 44,45, Korangi creek Road, Karachi-75190, Pakistan	01-77004025/DTL dated: 01-07-2021	**Specification Applied: BP 2020** **DESCRIPTION:** Clear, colorless liquid in sealed transparent glass ampoule. (Stated Volume: 10ml). **VOLUME:** Limit: ……. NLT Nominal volume (10ml) Determined: ……...10.2 ml **CONDUCTIVITY:** Limit: ……. NMT 25 µS/cm Determined: ……15 µS/cm **STERILITY:** The product is sterile. **ENDOTOXN TEST: Does not comply with specifications**

<table>
<tr>
<td></td>
<td>02-2021

Exp. Date:

02-2023

Regn No:

073671</td>
<td></td>
<td></td>
<td></td>
<td>
Technique: Gel-Clot Technique
<table>
<tr><th></th><th>Limit (EL)=NMT 0.25EU/ml</th><th colspan="2">Gel Formation</th><th>Remarks</th></tr>
<tr><th></th><th></th><th>Yes</th><th>No</th><th></th></tr>
<tr><td>1</td><td>Positive control λ</td><td>•</td><td></td><td rowspan="5">Does not comply with specs</td></tr>
<tr><td>2</td><td>Positive control 2λ</td><td>•</td><td></td></tr>
<tr><td>3</td><td>Negative control</td><td></td><td>•</td></tr>
<tr><td>4</td><td>Product Positive control</td><td>•</td><td></td></tr>
<tr><td>5</td><td>Sample</td><td>•</td><td></td></tr>
</table>
RESULT: The sample is declared <u>SUB-STANDARD</u> on the basis of <u>ENDOTOXIN TEST</u>.
</td>
</tr>
<tr>
<td>2</td>
<td>INJECTION. WATER FOR INJECTION GENIX [STERILE 10ML WATER FOR INJECTION]

Mfg Date:

04-2021

Exp. Date:

04-2023

Regn No:

073671</td>
<td>139I019</td>
<td>Genix Pharma, Karachi

44,45, Korangi creek Road, Karachi-75190, Pakistan</td>
<td>01-77004027/DTL BWP dated: 01-07-2021</td>
<td>
Specification Applied: BP 2020

<u>COMPOSITION</u>: Each Ampoule contains:

Water for injection BP…. 10ml

<u>DESCRIPTION</u>: Clear, colorless liquid in sealed transparent glass ampoule. (Stated Volume: 10ml). 08 out of 20 ampoules contain undissolvable particulate matter seen with naked eye.

Does not comply with parenteral specifications

<u>VOLUME:</u> Limit: ……. NLT Nominal volume (10ml)

Determined: ……...10 ml

<u>CONDUCTIVITY:</u>

Limit: ……. NMT 25 µS/cm

Determined: ……11 µS/cm

<u>STERILITY:</u> The product is sterile.
</td>
</tr>
</table>

ENDOTOXIN TEST: (Does not comply with the specifications).

Technique: Gel-Clot Technique

	Limit (EL)=NMT 0.25EU/ml	Gel Formation		Remarks
		Yes	No	
1	Positive control λ	•		**Does not comply with specs**
2	Positive control 2λ	•		
3	Negative control		•	
4	Product Positive control	•		
5	Sample	•		

RESULT:

The sample is declared SUB-STANDARD on the basis of **ENDOTOXIN TEST and PHYSICAL TEST**.

iii. Store keeper, Central Pharmacy (Main medicine store) of Sheikh Zayed Medical College/Hospital, Rahim Yar Khan provided Invoice/Warranty No. CIN-00096495 and CIN-00096502 dated 27-04-2021 issued by M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan as a proof of its purchase.

iv. Warrantor portion of subject batches of drug samples were sent to M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan.

v. Copies of test/analysis report were sent to M/S Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan with directions to explain their position and provide requisite information in this regard. Firm requested retesting of drug samples. The Board in its 239th meeting dated 24-02-2022 decided to turn down the retesting request of the firm. Then Board in its 259th meeting dated 18-4-2023 decided to turn down subject review petition.

Previous Proceeding regarding retesting request:

The Board in its **239th meeting dated 24-02-2022** decided to **turn down** the retesting request of the firm. Then Board in its **259th meeting dated 18-4-2023** decided to turn down subject review petition of the firm

3 Show cause notice issued to the accused dated 30-08-2023

Firm submitted reply to show cause notice dated 11-09-2023

The Show cause Notice has been issued based upon the dishonest report of an inefficient Drug inspector who has not performed his duties within the framework of prevailing Drug Laws in Pakistan. The Drug inspector has himself relied upon unlawful test / analysis reports of Government Analyst as contained in the above SCN. Ihe company had submitted appropriate confrontation to the regulatory unlawful acts and omissions. Defence assertions & confrontations submitted by the company have been innocently + boorishly + malciously concealed in this Show Cause Notice. Ihe facts have been twisted and concealed I para I whereas misreading of law is crystal clear visible in Para 2 and 3 which making foundation for building structure of injustice. Prejudicial Proceeding plus against the fair-minded conduct, violation of due process of law and belligerent violation of Principle of Natural Justice (Procedural Fairness). The mechanical scrutiny and subsequent disputed unlawful unanimous PQCB decision /order related to turn down of Retesting Request (PQCB Meeting 24.2.2022) taken in the absence of the Company Authorized Representative without meaningful personal hearing is unlawful as well as unjust t is also reminded that PQCB is not a Government. So, using insignia and Name of Primary and Secondary Health care department at the top of SCN creates false impression that PQCB is Government

The following submissions are made.

1. That Genix Pharma (Private) Limited was founded in the year 2004 with the vision to hep and provide top quality and affordable medicine for all those in need. Since inception, Genix has grown from being a relatively humble contender to being one of the fastest growing companies in the Pakistani Pharmaceutical Arena. Having the best human capital coupled with a state-of-the-art manufacturing facility spanning over l75,000 sg, feet and the prime focus on quality the company aim to became the benchmark in the pharmaceutical industry, The product line ranges from specialty products to OTC medicines, as we believe in providing a wide range of products to cater to the needs of all types of requirements. The company is making an ever-increasing contribution to the export exchequer of Pakistan by exporting medicines to more than 20 countries including Afghanistan, Srilanka, lvory Coast and African Countries. Genix is strongly committed to its responsibility towards community and patients. Genix's products bring a promise of QUALITY and ensure smooth and lawless operations at its facility with local manufacturing in compliance with global quality standards that are strictly maintained and tallowed meticulously at every level in the process of manufacturing.

2. That as per Right provided under the Principle of Natural Justice and drug law company needs fallowing information and attested copies documents for appropriate and rational preparation of written defense in response to Show Cause Notice No. POCB/R825, 826/2021 Dated 5D. D8. 2023.

a. The report of the Inspector submitted to PQCB- Punjab, Lahore under section 19 (6) of the Drug Act 1976.

b. The letter Na. DI-SZH-RYK/BIG Dated/B.072IZ3 of the Drug inspector, Sheikh Zayed Hospital, Rahin Yar Khan.

E. The copy the record to be presented before PLCB by the concerned Government Analyst because his report is usually silent about the pratocol of tests etc. He is a party to this case and is usually associated in PQCB decision making in the absence of person aggrieved by his report.

d The copies of form No.4 and Form No. 6.

e. The date of receipt of the Warranty from the person from whom samples were taken and Date of

Dispatch of Warrantor 's Portion to the company Genix.

f The decision of PQCB related to examination of the case under Rule 5(3) of the Punjab Drug Rules 2007 (Amended 201 2018) Rule 5(3) is reproduced below.

5(3) The Provincial or the District Board shall examine a case referred to it by an Inspector and shall, if an action is proposed to be taken against a person under the Act or the rules, issue a show cause notice to the person and provide him an opportunity for hearing before taking the action about the prosecution of the person recommending suspension or cancellation of his license to the licensing authority.

This may please be taken as an INTERIM REPLY to SCN The FINAL SELF-CONTAINED REPLY WRITTEN DEFENCE to SCN No. PQCB/R- 825, 826/2021 Dated 30-08-2023 would be submitted within four days after receipt of above documents and information.

At the end it is requested that meaningful personal hearing may kindly be provided whenever this Case is presented before the PQCB for any Interim or Final

4 Personal hearing notice issued to the accused dated 11-12-2023

PREVIOUS PROCEEDING BY THE BOARD:

PQCB 274th meeting dated 21-12-2023

5. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **274th meeting** held on **21-12-2023** under the chairmanship of Vice chairperson, PQCB. Mr. Rafaqat Ali, Secretary DQCB, Rahim Yar Khan and Mr. Ilyas Provincial Inspector of drugs Lady Sheikh Zayed Hospital Rahim Yar Khan was present along with original case record. Among the nominated accused person Maqsood ur Rehman (DGM Quality Control), of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi Pakistan appeared before the Board and submitted that

i. subject batch no. 139I019 was of standard quality, when sample taken from Drug inspector Bhakkar, Jhelum and Shakargarh.
ii. Subject batch no. 134I019 was of standard quality when sample taken from Drug inspector Govt Teaching Hospital Shahdra, Lahore.
iii. Firm used heating block system which is ideal for obtaining consistent results and precise temperature stability.

6. Government Analyst apprised the Board that endotoxin test of the product samples was performed as per BP 2020 using Gel-Clot method and used temperature-maintained water bath. The Board after careful case record and scrutiny of DTL report observed that both batches were declared substandard on the basis of endotoxin test and description. The Board after keen perusal of case record and arguments submitted by the firm, was of the opinion that the root cause of the defect needs to be evaluated thoroughly. Therefore, in order to dig out the root cause of the defect, the Production and Quality Control & Assurance for subject drug need to be evaluated. the Board after due deliberation and discussion, unanimously decided to **pend the case** and constitute a committee comprising of the following members to conduct **Product Specific Inspection (PSI)** of M/s Genix Pharma Pvt Limited 44, 45-B Korangi Creek Road, Karachi-Pakistan and submit report for consideration by the Board.

1	Prof. Dr. Muhammad Uzair	Convener
2	Secretary PQCB, Punjab	Member

PRODUCT SPECIFIC INSPECTION REPORT

Panel Members:

Prof. (Rtd.) Dr. Muhammad Uzair (Pharmaceutical Member PQCB-Convenor)

Dr. Muhammad Munawar Hayat, Secretary, Punjab (Member)

Date of Inspection of Unit: 06-09-2024

Inspection was conducted with reference to five (05) cases of Injection Ketor, detail given below.

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- Firm is having fifteen (15) User license Empower Water,s USA
- Firm is having SAP version S/4 HANA which is cloud base
- Firm is doing export in 28 countries
- In QC lab, 18 HPLC system of Waters USA, 2 Shimadzo and one Thermo USA are present, functional and having different directors Emergency shower is installed in wet Chemistry Lab
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1	6-9-24	NC#1	The BET area of the firm having single Buffer.	The firm are Performing BET test in type of Class 1 Laminar Air Flow cabinet under Class A using additional separate buffer. And there is no specific guideline of BET test for multiple buffers USP recommended; "Gowning practice outside of normal lab practices, PPEs requirement is unconcern. Unless the product under test demand specific analyst safety consideration due to toxicity or infectiousness" Reference: USP-NF<1085> Guideline on endotoxin Test. (Laboratory Environmental Condition) https://online.uspnf.com/uspnf/document/1 GUID-CC17E1DF-5576-4A86-90EF- 78ED081ECB76 3 en US?source=Quick%20Search&highlight=BET%201085	N/R	Yes
2	6-9-24	NC#2	Liquid particle counter is used not less than 25 ml, the testing of sub- visible particle in 1ml, 2ml, 5ml and 10ml is	The firm is using modern and state of art American brand APSS 2000 LPC equipment with 21 CFR compliant system, and following USP guideline chapter No. 788 and manufacturer manual instructions https://online.uspnf.com/uspnf/document/1 GUID-BFC6D118-21C5-494E-A0C3- 2EB88E2F297A 2 en-US?source=Quick%20Search&highlight Particulate	N/R	Yes

			not possible of available equipment.			
3	6-9-24	NC#3	The firm is advised to increase the sample size at time of final release.	Sample Quantity is clearly mentioned in our approved SOP # QC/SOP/EQ/076 and SOP is attached for your kind reference.	N/R	Yes
4	6-9-24	NC#4	The firm is doing practice to makeup volume up to 25 ml or 3 ampoules of 10ml and then determine the sub visible particle as per available SOPS	Volume is being taken as per USP and Instrument manual of APSS 2000. However order for new Instrument for I'm 2ml, or for minimum individual container ha Reference : USP chapter <788 Particulate Matter in injection. (Method) In USP Method there is clearly mentioned that For small volume parental less then 25mf in volume, the contents of 10 or more units are combined in a cleaned container to obtain a volume of NLT 25ml: Small Volume parental having a volume of 25ml or more may be tested Individually, Proceed as direct for small volume when the volume is 25ml or more. https://online.uspnf.com/mendocument/1 GUID-DFC60118-2103-4945-0003- ZEB88E2E297A 2-US2ource Quick%20Search&highlight Particular	N/R	Yes
5	6-9-24	NC#5	Apply optical checking sample for qualifying a person for optical checking area, to qualify as optical checking inspector on basis of this sample test result	Immediately action has been taken, Purchase requisition has been raised for MAR KNAPP (Challenge) test kit and will be implemented on MAR-2025	Mar-2025	Yes

6	6-9-24	NC#6	For lux monitoring please fix a point, on optical checking table or stand.	Fix point of Lux monitoring has been marked at optical checking table.	N/R	Yes
7	6-9-24	NC#7	Spill Kit for chemical Emergency is not installed in wet Chemistry	Lab Spill kit has been kept at respective pointed areas. (See attached pictures)	N/R	Yes
8	6-9-24	NC#8	Semi-automatic machine is working for washing of ampoules.	Automatic machine for ampoule washing will be planned in next year AUC budget and will be installed in Aug-2025.	Aug-2025	Yes
9	6-9-24	NC#9	he firm is advised to not use word "I" in batch number which creates a doubt of "1" (one), may be use word "P" for parenteral.	SOP No. QA/SOP/SY/011 for issuance, receiving and retention of Batch manufacturing and Packing record has been revised according to change control CC/QA/24/24 and will be implemented on Mar 2025.	Mar-2025	Yes
10	6-9-24	NC#10	The firm is advise calibration of QC equipment from a PNAC certified firm for external calibration.	The firm is already doing calibration of their major QC equipment from PNAC for NR that equipment which are cover in PNAC However, the firm may increase further equipment for calibration of PNAC accredited lab See attached few certificate of instruments which are calibrated from PNAC accredited lab (PCSIR) eg. 1. Three HPLC 2. BALNCES, 3. Glans wares, 4, Masses, 5. Burettes etc	N/R	Yes
11	6-9-24	NC#11	The Participate in PT testing.	The firm has been participating in PT testing program since last 5 years, from (2020) to till now and alses increased scope of PT testing program including titration assay, pli tersting, Melting point testing and	N/R	Yes

				assay of multiple products. "Scope of PT testing is attached."		

Personal Hearing Notice issued to the accused.

Summary:

Manufacturing Date: 08-2021

Expiry Date: 02-2023

Sampling Date: 06-05-2021

Sent to DTL (Form 6): 06-05-2021

Date of receipt in DTL: 06-05-2021

DTL Report Date: 01-07-2021

1ST DI Communication with firm on dated: 26-07-2021

Date of Retesting Request of Firm to DI: 02-08-2021

Fate of Retesting Request: Turn down (239-M dated 24-02-2022), turn down the review petition. (259-M dated 18-04-2023)

Investigation Report Dated: 13-07-2023

Case is placed before the Board for the decision

PROCEEDING & DECISION BY THE BOARD:

Case No. 20

PQCB/ R-163,164,165,166,167,168,169,170,171,172,173,174/2022

Lahore General Hospital, District Lahore

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan** through its Chief Executive Officer, Ashfaq Safdar Tarrar 2. Ashfaq Safdar Tarrar — Chief Executive Officer 3. Suhaib Bin Anees — Production Manager 4. Muhammad Nadeem Khan — Quality Control Manager/ Warrantor of M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Lahore General Hospital, District Lahore reported that: -

i. She, on 02-12-2021 (and on 20-12-2021 for Sample at Serial No. 12), inspected the premises of Main Medicine Store, Lahore General Hospital, District Lahore, took following drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Lahore vide memorandum no. 111372, 111881, 111373, 111369, 111376, 111375, 111371, 111374, 111370, 111880, 111377 all dated 02-12-2021 & memo no. 111378 dated 20-12-2021 (for Sample at Serial No. 12).

ii. The following drug samples after test/analyses were declared as **Substandard** by Government Analyst Drug Testing Laboratory **Lahore**, as detailed below:

Sr. No	Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
1	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024	2111036	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010725/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.34 at 23.1°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED)

Regn No.

019752

ASSAY:

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.265% w/v (Complies)	0.23-0.28% w/v
Sodium	0.301% w/v	0.299% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.399% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides Dihydrate	0.027% w/v	**0.0364% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERILITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

2	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752	2111044	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010732/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.34 at 23.8°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY:**

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.266% w/v (Complies)	0.23-0.28%

			w/v
Sodium	0.301% w/v	0.301% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.412% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides Dihydrate	0.027% w/v	**0.0371% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERILITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

3	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752	2111037	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010726/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.33 at 23.0°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY:**

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.266% w/v (Complies)	0.23-0.28% w/v
Sodium	0.301% w/v	0.293% w/v (Complies)	0.27-0.32% w/v

	Total Chlorides	0.394% w/v	0.398% w/v Complies)	0.37-0.42% w/v
	Calcium Chlorides Dihydrate	0.027% w/v	**0.0375% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERI LITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

4	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752	2111033	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010722/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.29 at 23.0°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY:**

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.266% w/v (Complies)	0.23-0.28% w/v
Sodium	0.301% w/v	0.315% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.399% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides Dihydrate	0.027% w/v	**0.0367% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERILITY: The product is sterile. (COMPLIES)

<table>
<tr>
<td></td>
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<td></td>
<td><u>RESULT:</u> The above sample is <u>SUB-STANDARD</u> on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.</td>
</tr>
<tr>
<td>5</td>
<td>Infusion. ZEESOL-H [RINGER LACTATE]

Mfg Date:

Nov 2021

Expiry Date:

Oct 2024

Regn No.

019752</td>
<td>2111040</td>
<td>M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.</td>
<td>01-73010729/DTL

dated

28-01-2022</td>
<td>Analysis with specifications applied: BP 2021

<u>PHYSICAL DESCRIPTION:</u> COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE.

<u>pH:</u>

Limits: 5.0 – 7.0

Determined: 6.35 at 23.5°C (COMPLIES)

<u>IDENTIFICATION:</u> The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED)

<u>ASSAY:</u>
<table>
<tr><th>ASSAY</th><th>Stated</th><th>Determined</th><th>Limit</th></tr>
<tr><td>Lactate</td><td>0.254% w/v</td><td>0.265% w/v (Complies)</td><td>0.23-0.28% w/v</td></tr>
<tr><td>Sodium</td><td>0.301% w/v</td><td>0.298% w/v (Complies)</td><td>0.27-0.32% w/v</td></tr>
<tr><td>Total Chlorides</td><td>0.394% w/v</td><td>0.410% w/v Complies)</td><td>0.37-0.42% w/v</td></tr>
<tr><td>Calcium Chlorides Dihydrate</td><td>0.027% w/v</td><td>0.0377% w/v (DOES NOT COMPLY)</td><td>0.025-0.029% w/v</td></tr>
</table>
<u>STERILITY:</u> The product is sterile. (COMPLIES)

<u>RESULT:</u> The above sample is <u>SUB-STANDARD</u> on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.</td>
</tr>
<tr>
<td>6</td>
<td>Infusion. ZEESOL-H [RINGER LACTATE]</td>
<td>2111039</td>
<td>M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road,</td>
<td>01-73010728/DTL

dated</td>
<td>Analysis with specifications applied: BP 2021

<u>PHYSICAL DESCRIPTION:</u> COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE.</td>
</tr>
</table>

<table>
<tr>
<td></td>
<td>Mfg Date:

Nov 2021

Expiry Date:

Oct 2024

Regn No.

019752</td>
<td></td>
<td>Sarai Gadee Distt. Haripur, K.P.K-Pakistan.</td>
<td>28-01-2022</td>
<td><u>pH:</u>

Limits: 5.0 – 7.0

Determined: 6.27 at 23.1°C (COMPLIES)

<u>IDENTIFICATION:</u> The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED)

<u>ASSAY:</u>

<table>
<tr><th>ASSAY</th><th>Stated</th><th>Determined</th><th>Limit</th></tr>
<tr><td>Lactate</td><td>0.254% w/v</td><td>0.267% w/v (Complies)</td><td>0.23-0.28% w/v</td></tr>
<tr><td>Sodium</td><td>0.301% w/v</td><td>0.310% w/v (Complies)</td><td>0.27-0.32% w/v</td></tr>
<tr><td>Total Chlorides</td><td>0.394% w/v</td><td>0.398% w/v Complies)</td><td>0.37-0.42% w/v</td></tr>
<tr><td>Calcium Chlorides Dihydrate</td><td>0.027% w/v</td><td>0.0364% w/v (DOES NOT COMPLY)</td><td>0.025-0.029% w/v</td></tr>
</table>
<u>STERILITY:</u> The product is sterile. (COMPLIES)

<u>RESULT:</u> The above sample is <u>SUB-STANDARD</u> on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.</td>
</tr>
<tr>
<td>7</td>
<td>Infusion. ZEESOL-H [RINGER LACTATE]

Mfg Date:

Nov 2021

Expiry Date:

Oct 2024</td>
<td>2111035</td>
<td>M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.</td>
<td>01-73010724/DTL

dated

28-01-2022</td>
<td>Analysis with specifications applied: BP 2021

<u>PHYSICAL DESCRIPTION:</u> COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE.

<u>pH:</u>

Limits: 5.0 – 7.0

Determined: 6.28 AT 24.9°C (COMPLIES)

<u>IDENTIFICATION:</u> The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED)</td>
</tr>
</table>

Regn No.

019752

ASSAY:

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.265% w/v (Complies)	0.23-0.28% w/v
Sodium	0.301% w/v	0.294% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.419% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides Dihydrate	0.027% w/v	**0.0346% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERILITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

8	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752	2111038	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010727/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.60 at 25.1°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY:**

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.266% w/v (Complies)	0.23-0.28% w/v

Sodium	0.301% w/v	0.303% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.419% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides Dihydrate	0.027% w/v	**0.03508% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERILITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

9	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752	2111034	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010723/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.47 AT 24.6°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY:**

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.266% w/v (Complies)	0.23-0.28% w/v
Sodium	0.301% w/v	0.301% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.407% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides	0.027% w/v	**0.0377% w/v (DOES NOT**	0.025-0.029% w/v

					Dihydrate | | **COMPLY)** |

STERILITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

10	Infusion. ZEESOL-H [RINGER LACTATE] **Mfg Date:** Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752	2111043	M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.	01-73010731/DTL dated 28-01-2022	**Analysis with specifications applied: BP 2021** **PHYSICAL DESCRIPTION:** COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE. **pH:** Limits: 5.0 – 7.0 Determined: 6.48 AT 24.2°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY:**

ASSAY	Stated	Determined	Limit
Lactate	0.254% w/v	0.265% w/v (Complies)	0.23-0.28% w/v
Sodium	0.301% w/v	0.300% w/v (Complies)	0.27-0.32% w/v
Total Chlorides	0.394% w/v	0.399% w/v Complies)	0.37-0.42% w/v
Calcium Chlorides Dihydrate	0.027% w/v	**0.0367% w/v (DOES NOT COMPLY)**	0.025-0.029% w/v

STERILITY: The product is sterile. (COMPLIES)

RESULT: The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

<table>
<tr>
<td>11</td>
<td>Infusion.
ZEESOL-H
[RINGER
LACTATE]

Mfg Date:

Nov 2021

Expiry Date:

Oct 2024

Regn No.

019752</td>
<td>2111041</td>
<td>M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.</td>
<td>01-73010730/DTL

dated

28-01-2022</td>
<td>Analysis with specifications applied: BP 2021

<u>PHYSICAL DESCRIPTION:</u> COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE.

<u>pH:</u>

Limits: 5.0 – 7.0

Determined: 6.48 AT 24.2°C (COMPLIES)

<u>IDENTIFICATION:</u> The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED)

<u>ASSAY:</u>
<table>
<tr><th>ASSAY</th><th>Stated</th><th>Determined</th><th>Limit</th></tr>
<tr><td>Lactate</td><td>0.254% w/v</td><td>0.266% w/v (Complies)</td><td>0.23-0.28% w/v</td></tr>
<tr><td>Sodium</td><td>0.301% w/v</td><td>0.306% w/v (Complies)</td><td>0.27-0.32% w/v</td></tr>
<tr><td>Total Chlorides</td><td>0.394% w/v</td><td>0.408% w/v Complies)</td><td>0.37-0.42% w/v</td></tr>
<tr><td>Calcium Chlorides Dihydrate</td><td>0.027% w/v</td><td>0.0345% w/v (DOES NOT COMPLY)</td><td>0.025-0.029% w/v</td></tr>
</table>
<u>STERILITY:</u> The product is sterile. (COMPLIES)

<u>RESULT:</u> The above sample is <u>SUB-STANDARD</u> on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.</td>
</tr>
<tr>
<td>12.</td>
<td>Infusion.
ZEESOL-H
[RINGER
LACTATE]

Mfg Date:</td>
<td>2111042</td>
<td>M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.</td>
<td>01-73010922/DTL

dated

04-02-2022</td>
<td>Analysis with specifications applied: BP 2021

<u>PHYSICAL DESCRIPTION:</u> COLOURLESS LIQUID IN SEALED PLASTIC INFUSION BOTTLE WITH HANGER AT BASE AND NO LEAKAGE OF BOTTLE.

<u>pH:</u>

Limits: 5.0 – 7.0</td>
</tr>
</table>

	Nov 2021 **Expiry Date:** Oct 2024 **Regn No.** 019752				Determined: 6.44 AT 23.7°C (COMPLIES) **IDENTIFICATION:** The retention time of the major peak in the sample chromatogram corresponds to the retention time of the major peak in standard chromatogram (LACTATE IDENTIFIED) **ASSAY** / **Stated** / **Determined** / **Limit** Lactate / 0.254% w/v / 0.267% w/v (Complies) / 0.23-0.28% w/v Sodium / 0.301% w/v / 0.318% w/v (Complies) / 0.27-0.32% w/v Total Chlorides / 0.394% w/v / 0.412% w/v Complies) / 0.37-0.42% w/v Calcium Chlorides Dihydrate / 0.027% w/v / **0.0340% w/v (DOES NOT COMPLY)** / 0.025-0.029% w/v **STERILITY:** The product is sterile. (COMPLIES) **RESULT:** The above sample is **SUB-STANDARD** on the basis of ASSAY of Calcium chloride dihydrate performed as per BP.

iii. Chief Technician, Lahore General Hospital, District Lahore provided invoice/warranty bearing No. 0104 dated 17-11-2021 issued by M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan as a proof of its purchase.

iv. Warrantor portions of subject batches of the drug sample were sent to M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan.

v. Copies of test/analysis report was sent to M/S Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan with directions to explain their position and provide requisite information in this regard. In response, the firm challenged the test/analysis report and requested to re-test the above-mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

vi. Pursuant to firm's retesting request the Provincial Quality Control Board in its 243rd meeting held on 12-05-2022 **allowed** to send the sample to NIH, Islamabad for retesting from where the sample was declared **Substandard** as detailed below:

SrNo	Name of Drug	Batch No.	Name of Manufacturer	NIH Test Report No. & Date	NIH Test Report Result
1	Infusion	2111036	M/s Shazeb	0124-P/2022	**Analysis with specifications applied:** British Pharmacopoeia 2017

	ZEESOL-H RINGER LACTATE 1000ml		Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	dated 25-08-2022	**ASSAY:** **ASSAY** | **Stated** | **Found** | **Limit** | **Percentage** Sodium | | 0.300% w/v | 0.27-0.32% w/v | 101.8 % Potassium | | 0.0192% w/v | 0.019-0.022% w/v | 96.35 % Total Chlorides | | 0.389% w/v | 0.37-0.42% w/v | 98.45% Calcium Chlorides Dihydrate | 0.027% w/v | **0.0323% w/v** | 0.025-0.029% w/v | **119.77%** Lactate | | 0.246% w/v | 0.23-0.28% w/v | 96.54% **Does not comply with BP-2017** **CONCLUSION:** The sample is of **Sub-Standard** quality on the basis of test performed.
2	Infusion ZEESOL-H RINGER LACTATE 1000ml	2111044	M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	0125-P/2020 dated 25-08-2022	**Analysis with specifications applied:** British Pharmacopoeia 2017 **ASSAY:** **ASSAY** | **Stated** | **Found** | **Limit** | **Percentage** Sodium | | 0.292% w/v | 0.27-0.32% w/v | 99.09 % Potassium | | 0.019% w/v | 0.019-0.022% w/v | 96.35 %

Total Chlorides		0.396% w/v	0.37-0.42% w/v	100.26%
Calcium Chlorides Dihydrate	0.027% w/v	**0.031% w/v**	0.025-0.029% w/v	**117.5%**
Lactate		0.246% w/v	0.23-0.28% w/v	96.48%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

3 | Infusion ZEESOL-H RINGER LACTATE 1000ml | 2111037 | M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan. | 0126-P/2022 dated 25-08-2022

Analysis with specifications applied: British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.289% w/v	0.27-0.32% w/v	98.18 %
Potassium		0.0197% w/v	0.019-0.022% w/v	98.54 %
Total Chlorides		0.403% w/v	0.37-0.42% w/v	102.05%
Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**118.6%**
Lactate		0.254% w/v	0.23-0.28% w/v	99.73%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

4 | Infusion ZEESOL-H RINGER LACTATE 1000ml | 2111033 | M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan. | 0127-P/2022 dated 25-08-2022

Analysis with specifications applied: British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.286% w/v	0.27-0.32% w/v	97.27 %
Potassium		0.0198% w/v	0.019-0.022% w/v	99.27 %
Total Chlorides		0.392% w/v	0.37-0.42% w/v	99.34%
Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**119.7%**
Lactate		0.244% w/v	0.23-0.28% w/v	95.86%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

5 | Infusion ZEESOL-H RINGER LACTATE 1000ml | 2111040 | M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan. | 0128-P/2022 dated 25-08-2022

Analysis with specifications applied: British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.300% w/v	0.27-0.32% w/v	101.8 %
Potassium		0.0198% w/v	0.019-0.022% w/v	99.27 %
Total Chlorides		0.40% w/v	0.37-0.42% w/v	101.43%

Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**121.9%**
Lactate		0.255% w/v	0.23-0.28% w/v	100.35%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

6	Infusion ZEESOL-H RINGER LACTATE 1000ml	2111039	M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	0129-P/2022 dated 25-08-2022	**Analysis with specifications applied:** British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.395% w/v	0.27-0.32% w/v	100.0 %
Potassium		0.020% w/v	0.019-0.022% w/v	100.0 %
Total Chlorides		0.403% w/v	0.37-0.42% w/v	102.05%
Calcium Chlorides Dihydrate	0.027% w/v	**0.030% w/v**	0.025-0.029% w/v	**113.2%**
Lactate		0.247% w/v	0.23-0.28% w/v	97.21%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

7	Infusion ZEESOL-H RINGER LACTATE 1000ml	2111035	M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt.	0130-P/2022 dated 25-08-2022	**Analysis with specifications applied:** British Pharmacopoeia 2017

ASSAY:

			Haripur, K.P.K-Pakistan.		

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.314% w/v	0.27-0.32% w/v	106.6 %
Potassium		0.0194% w/v	0.019-0.022% w/v	97.0 %
Total Chlorides		0.406% w/v	0.37-0.42% w/v	102.9%
Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**120.8%**
Lactate		0.2404% w/v	0.23-0.28% w/v	94.31%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

8	Infusion ZEESOL-H RINGER LACTATE 1000ml	2111038	M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	0135-P/2022 dated 25-08-2022	

Analysis with specifications applied: British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.298% w/v	0.27-0.32% w/v	101.3 %
Potassium		0.019% w/v	0.019-0.022% w/v	99.86 %
Total Chlorides		0.402% w/v	0.37-0.42% w/v	102.0%

Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**119.7%**
Lactate		0.248% w/v	0.23-0.28% w/v	97.6%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

9	Infusion ZEESOL-H RINGER LACTATE 1000ml	2111034	M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	0131-P/2022 dated 25-08-2022	**Analysis with specifications applied:** British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.290% w/v	0.27-0.32% w/v	98.6 %
Potassium		0.019% w/v	0.019-0.022% w/v	95.0 %
Total Chlorides		0.42% w/v	0.37-0.42% w/v	106.5%
Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**121.9%**
Lactate		0.249% w/v	0.23-0.28% w/v	98.02%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

10	Infusion ZEESOL-H	2111043	M/s Shazeb Pharmaceutical	0132-P/2022 dated 25-08-	**Analysis with specifications applied:** British Pharmacopoeia 2017

	RINGER LACTATE 1000ml		Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	2022	**ASSAY:** **ASSAY** / **Stated** / **Found** / **Limit** / **Percentage** Sodium / / 0.279% w/v / 0.27-0.32% w/v / 94.6 % Potassium / / 0.0195% w/v / 0.019-0.022% w/v / 97.8 % Total Chlorides / / 0.42% w/v / 0.37-0.42% w/v / 106.5% Calcium Chlorides Dihydrate / 0.027% w/v / **0.032% w/v** / 0.025-0.029% w/v / **119.7%** Lactate / / 0.245% w/v / 0.23-0.28% w/v / 96.0% **Does not comply with BP-2017** **CONCLUSION:** The sample is of **Sub-Standard** quality on the basis of test performed.
11	Infusion ZEESOL-H RINGER LACTATE 1000ml	2111041	M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan.	0133-P/2022 dated 25-08-2022	**Analysis with specifications applied:** British Pharmacopoeia 2017 **ASSAY:** **ASSAY** / **Stated** / **Found** / **Limit** / **Percentage** Sodium / / 0.298% w/v / 0.27-0.32% w/v / 101.3 % Potassium / / 0.0215% w/v / 0.019-0.022% w/v / 107.5 %

Total Chlorides		0.413% w/v	0.37-0.42% w/v	104.7%
Calcium Chlorides Dihydrate	0.027% w/v	**0.032% w/v**	0.025-0.029% w/v	**119.7%**
Lactate		0.25% w/v	0.23-0.28% w/v	98.2%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

12 | Infusion ZEESOL-H RINGER LACTATE 1000ml | 2111042 | M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadaee Distt. Haripur, K.P.K-Pakistan. | 0134-P/2022 dated 25-08-2022

Analysis with specifications applied: British Pharmacopoeia 2017

ASSAY:

ASSAY	Stated	Found	Limit	Percentage
Sodium		0.306% w/v	0.27-0.32% w/v	104. %
Potassium		0.0202% w/v	0.019-0.022% w/v	101.2 %
Total Chlorides		0.406% w/v	0.37-0.42% w/v	102.9%
Calcium Chlorides Dihydrate	0.027% w/v	**0.033% w/v**	0.025-0.029% w/v	**123.0%**
Lactate		0.242% w/v	0.23-0.28% w/v	95.08%

Does not comply with BP-2017

CONCLUSION: The sample is of **Sub-Standard** quality on the basis of test performed.

2. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/ Sale of Substandard drugs**

b. **Issuance of false warranty**

3. Show-cause notice(s) issued to accused person(s) dated 09-01-2023

Firm filed a writ petition no. 24360/2023 in Lahore High Court assailing the show cause notice in which Court passed following order dated 11-04-2023

Petitioner has assailed show cause notice dated 09.01.2023 which has been issued after a laboratory report whereby the products in question are found substandard. Learned counsel for the petitioner submits that application/reply was given to respondents which is not being decided.

2. Learned AAG has opposed the petition by submitting that application is the reply to the show cause notice, therefore, respondents are not liable to decide the same.

3. Learned counsel for the petitioner submits that the application is in fact the reply to the show cause notice, however, he is confronted to show that the reply satisfies the requirements of paragraph No.5 of the show cause notice dated 09.01.2023, which is reproduced hereunder: -

> *"5 You are further directed to submit your reply in file cover along with attested copies of all documents you want to present before the Board and a copy of valid Drug Manufacturing License / valid drug registration certificate for the product in question / copy of national identity card, copy of job certificate, appointment letter of technical staff in hard and also send your reply through Email in soft. You are further directed to Email/WhatsApp number provide for your official correspondence."*

Learned counsel asserts that the conditions are satisfied but could not show the attached list of the documents with the application/reply.

4. Suffice it to observe that any application not encompassing proceedings is not required to be answered by the respondents. If the application satisfies the requirements of reply to show cause notice, the petitioner be proceeded strictly in accordance with law.

Firm replied to the show cause notice vide letter dated 27-01-2023

The following submissions are made:

1. *That A COMMUNI OBSERVANTIA NON EST RECEDENDUM is a well cited maxim applicable to all proceeding under the Drugs Act 1976b where a thing is provided to be done in a particular manner, it has to be done in that manner and if not so done, the same would not be lawful. It is regretted that the special procedure/provisions prescribed under sections 11, 18, 19, 22, & 32 of the Drugs Act 1976 plus Rule 5 of the Punjab drugs Rules 2007.*
2. *That all the correspondence related to Zeesol-H (Ringer Lactate) Infusion between the Company M/s Shazeb Pharmaceutical Industries Limited Hazara Trunk Road Sarai Gadaee, District Haripur KPK and Provincial Drug Inspector Lahore + PQCB may* ***please be taken as an integral component of this reply to this SCN****.*
3. *That the SCN contains information of Batch Numbers. Reports of Government Analyst and federal government Analyst related to Zeesol-H l00ml in a disorderly manner which created lot of problem for sorting out different batch numbers.*
4. *That there is a need to understand that supply of medicines to the Private market and Public Sector Government Institutions are different. The Sale to private sector does not require any pretesting by lab and purchase requires procuring medicine under a valid*

warranty. In government supplies, the manufacturer gives warranty, but the medicines are not released for use by the patient until standard quality report received from the competent legal government Analyst. Furthermore, the manufacturer immediately receives payment while selling drugs to a purchaser in private market whereas the payment in government supplies is subjected to many checks including issuance of Standard Quality Report by the government Analyst. it is not possible to use any government Supply Medicine without being tested. The status of the stocks lying in Hospital/Institution prior to release of the standard quality report by the government Analyst is just like stock in quarantine. ***the company has not received any payments against the Supply of Above medicines****. Therefore, sale is not complete as far as contractual terms and conditions are concerned.*

5. *That all 12 Batches of Zeesol H 1000ml were declared substandard by the Government Analyst DTL, Lahore. It was determined by the government Analyst that all the tests were in compliance except* ***clinically insignificant deviation of active ingredient Calcium Chloride*** *in all these 12 batches from the official limit. It is added that* ***result of Calcium Chloride was given on the basis of Dihydrate $CaCl_2.2H_2O$ instead of anhydrous $CaCl_2$ which is cause of higher result****. Similarly, federal Government Analyst determined that all the tests were in compliance except clinically insignificant deviation of active ingredient Calcium Chloride in all these 12 batches from the official limit. It would be appropriate to present a comparative study of analysis of Zeesol-H for determining Calium Chloride ($CaCl_2$ or $CaCl_2.2H_2O$) by Provincial Government Analyst, Federal Appellate lab NIH Islamabad and Atomic Absorption.* ***The NIH has issued all the reports by conduction Non-Aqueous titration whereas provincial Government Analyst has not given details about protocol of the tests conducted****.* ***The company has conducted the test by use of atomic absorption.***
6. *That the company conducted in depth in-house investigation related to the disputed Test /Analysis reports soon after receipt from the Drug inspector LGH Lahore. The outcomes had shown in a crystal-clear manner that Zeesol-H (Ringer Lactate) Infusion batches manufactured by M/s Shazeb Pharmaceutical Industries Limited Hazara Trunk Road Sarai Gadaee District Haripur KPK were* ***in compliance with all the prescribed specification****. All the SOP based systems of the company related to pharmaceutical product Zeesol-H were operating appropriately as per the SOPs.*
7. *That the company has great respect with highest possible level of compliance to all the prevailing law regulating Pharmaceutical Industry and has always worked within the legal frame work of the DRAP Act 2012, the Drugs Act 1976 and Rules framed there under in order to ensure delivery of high quality effective and safe drugs to the patients Regulatory legal advices related to uplifting quality and safety of medicines is always welcome with l00% compliance.* ***The inspection by DRAP recorded on the Inspection Book of the Company are the credible evidence****. Renewal of DML has been approved by DRAP Inspection Panel. Recently, on the invitation of the company.* ***a team of the PQCB had inspected the Pharmaceutical Unit of the company*** *established and operational in KPK. The report PQCB Panel had submitted its report for consideration of the same by PQCB in its meeting. After detailed discussion, the cases of minor violations were disposed of in favor of the company.*
8. *That Noncompliance to Section 19 (3) related to statutory requirement of sending warrantor 's portion within seven days is an illegality.* ***The Warrantor's portion has not been sent to the manufacturer within statutory period of seven days as prescribed under Section 19(3) (iv) of the Drugs Act 1976****. The non-observance to said procedure is highly doubtful and is an illegality. The PQCB has unanimously dropped a case no. PQCB R-577-9/2016 related to Infusion Dorcip Batch No. Dc-075 declared as Adulterated and Substandard by Government Analyst Drug Testing Laboratory Rawalpindi vide DL Report. TRA. No. 1077/DTL Dated 22-09-2016. The PQCB had observed that this case was fit for prosecution on the basis of report. But. this case was dropped as PQCB had observed that case would fail in court because warrantor portion was not sent to the manufacturer within statutory period as prescribed under Section 19(3) of the Drug Act 1976. PQCB members may kindly compare the present case of slight variation in pH of the reconstituted oral suspension of Levor 250 Dry Susp 60ml, B.NO. 032 with the IGNORED CASE of Infusion Dorcin ascertain level of potential and real clinical risks/ADR + both cases are similar with the ignored case may differentiated as of more severity. It is added that the author of the SCN has not mentioned date of dispatch/receipt of Warrantor 's portion in Para-iv due to reason bets known to him.*
9. *That the* ***Reference samples of the same Batch Numbers*** *of the Zee Sol H Infusion 1000ml have been tested at the Well Equipped Quality Control Laboratory of the Company by using Titration method (BP) and counterchecked/ verified by Atomic Absorption. The results have shown that all the specification are in compliance within the official limits.*
10. *That the* ***reports of both the laboratories are non-conclusive as well as unlawful*** ***because all protocols the test applied to reach the conclusion and Results of disputed drugs as substandard have not been given in the above lest reports****. The single bench of Lahore High Court has held that Reports of Analyst has to be conclusive and must disclose the tests applied to formulate opinion of government Analyst. There is always likelihood of errors in tests/ analysis report which would be of adverse consequence and definitely affects substantial rights of a person Therefore the description of the experiment including method evaluating standards/ results must be Crystal clear whenever report would be disputed.* ***Reliance on PLD 2003 Lah.*** *The Honorable Single Judge relied on these pdgments in the reported cases-Gyanendra Nath Mittal v. State AIR 1959 All 634; S. Dutta and another. The DB Judgments of Peshawar High Court and Quetta high Court had also held that report without protocol were fatally defective and unlawful.* ***Reliance on 1996 P Cr.LJ 1183*** *(Peshawar).115, PLJ 2012 Cr.C. (Quetta) 546 (DB). The reports are non-conclusive as well as unlawful because full protocols the test applied to reach the conclusion and Results of disputed drugs as substandard have not been given in the above test Report. The honorable Supreme Court has held in case reported as 2019 SCM 930 Report of the government Analyst must contain Protocol. The*

term protocol has not been defined in the rules. Its dictionary meaning is "A plan of scientific experiment or other procedure. It is also referred to as the precise method for carrying out or reproducing a given experiment. (Chambers 2lst Century Dictionary, 2007 Edition) These definitions are in line with the elaboration of the term "protocol" given in case of lmam Bakhsh wherein the Court stated the expression protocol to mean an explicit plan of an experiment, procedure or test. It is clarified that protocol is therefore, a recognized standard method or plan for carrying out the test applied to ascertain the nature of the substance under examination. No test can take place without a protocol. ***The report of the government Analyst must show that the test applied was in accordance with a recognized standard protocol****. Any test conducted without a protocol loses its reliability and evidentiary value. Therefore, to serve the purposes of the Act and the rules, the Report of the Government Analyst must contain:*

a) The Tests Applied

b) The Protocols Applied to Carry Out These tests

c) The Result of the Test(s)

11. *That there is violation of Mandatory Rule 3 of the Drug Act 1976 and the Drug Specification Rules 1978 which require that* ***latest version of the Pharmacopeia must be applied*** *when testing the Drugs under the Drug Act 1976*
12. *That the Para 2 of the SCN is vague as Well as misconstrued because the whole of the Section 23/27 has been mentioned as contravention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason are available that* ***warranty was given after determination and issuance of standard quality reports*** *of Zeesol H 1000ml by the well-equipped state of art quality Control lab of the Company. The PQCB is not empowered to take any action under the DRAP Act 2012 after implementation the Punjab Amendment Drug Act 2017/2018.*
13. *That the para 2 of SCN alleges that "In this Way you have Contravened the section 23/27 of the Drug Act 1976 (as amended) DRAP act 2012 and Rules framed thereunder by way of Manufacturing/Selling/stocking of Substandard drug and Issuance of false warranty*

Comments/Explanation

i. *The company has Neither contravened section 23/27 of the Drug Act 197G (as amended) Nor the DRAP act 2012 and Rules framed thereunder. The case is based upon the Non-Conclusive report of Government Analyst as sufficient evidence in controversion to this report is available as per requirement of section 22(4) of the Drug Act 1976. 23/27 of the Drug Act 1976 is maliciously applied by omitting the specific Sections. 23 (1) –(a-i-x, b-h, 10-i-ii and (27-1), (27-2). (27-3) and (27-4). The Punjab Amendment in the Drug Act 1976 and DRAP Act 2012 not applicable simultaneously on this case Because the Drug Act 1976 which is the part of Schedule VI of DRAP Act 2012 is different from the Drug Act 1976 with Punjab Amendment 2017/2018.*
ii. *The charge of Issuance of false warranty is based upon misreading of relevant law. The warranty was issued after release of standard quality report by Quality Control Department of the company. the offence of issuance of false warranty is added to enhance punishment with malafide intention. The application of the Section 27(2) dealing with false warranty is malice in law as well as malice in fact because good and sufficient reason were available that warranty was given atter release of medicines by quality Control Department of the Company. The section 27.(2),(b) is reproduced below:*

27 (2) Whoever himself or by any other person *on his b (a)or gives to the purchaser a false warranty in respect of any drug sold by him that the drug does not in any way contravene the provisions of Section 23 and is not able to prove that, when he gave the warranty, he had good and Sufficient reason to believe the same to be true.*

14. ***That PARA 3 of SCN is reproduced***

You are therefore required under Section (11) of the Drugs Act. 1976 and Rules (5) of the Punjab Drug Rules 2007 (as amended) to show cause as to why:

i. *You should not be prosecuted for committing above said contravention/s/ in the Drug Court.*
ii. *The licensing Authority/ Drug registration Authority should not be recommended cancellation Suspension of your Drug Manufacturing Sale License and Drug Registration.*
iii. *Other suitable legal action (s) should not be taken against you*

Comments/Explanation

i. *The prosecution would be unlawful because it would be based upon the Non-Conclusive Report which cannot be used as evidence in any criminal trial. Furthermore Mandatory provisions of Drug Act 196 have been violated which would adversely affect the prosecution culminating into a futile exercise which would ultimately lead to acquittal of the accused. It is respectfully repeated reminded that reports of both the Analysts which form basis of this SCN are unlawful.*

ii. *The PQCB cannot give recommendation of the licensing Authority /Drug Registration Authority either for cancellation/ Suspension of your Drug Manufacturing or/ and Drug Registration because the PQCB has not conducted any inspection as per requirement of Section 11 (5)(a) of the Drug Act 1976 (Punjab Drug Amendment Act 2017/ 2018) is reproduced below:*

iii. *11 (5) The following shall be the powers and functions of the Provincial L quality Control Board, namely (a/to inspect any prem/ses where any drug is being, or is to be, manufactured or sold and to recommend to the appropriate authority the cancellation or suspension of the license to manufacture or sell drugs granted to any person wha is found to be contravening, or to have Contravened any of the provisions of this Act or the rules.*

iv. *The only legal action would be dropping of the case under the Drug Act 1876 because any other action would be equivalent to out of good faith - unlawful act outside the legal boundaries of the applicable prevailing Drug laws in Punjab / Pakistan. The only appropriated, just, fair and suitable action Para 3(iii) would be, to drop this open and shut case.*

15. *That comments on the Para 4 are that* ***<u>the names are hereby verified</u>*** ***with the submissions that Ashfaq Safdar Tarar CEO of the Company has no knowledge and consent related to the manufacturing or Quality Control processes****. This submission is given by keeping in view the prevailing Drug law read With latest Policy Board guided DRAP-Guideline circulated by Drug Regulatory Authority of Pakistan- Government of Pakistan Ministry of National Health Services Regulations & Coordination Islamabad, vide No. F.11-13/2022-LA Dated 2nd December 2022 reproduced below as ready reference.*

Subject: OFFENCES BY COMPANIES UNDER THE DRAP ACT, 2012 AND THE DRUGS ACT, 1976

The Pakistan Pharmaceutical Manufacturers 'Association (PPMA) has approached the Drug Regulatory Authority of Pakistan (DRAP) regarding implementation of the DRAP Act 2012 and the Drugs Act 1976 in a just and judicious manner in accordance with the following judgment of the Hon'ble Supreme Court of Pakistan reported as PLD 1978 SC 193

"Whether Managing Director is liable. ***Managing Director being assisted by various executives and workers****, it is difficult to presume that respondent is guilty of manufacture of substandard drugs.* ***Burden of proof lies on prosecution to prove offence*** *having been committed within knowledge and consent of the Director."*

2. Similarly, the Hon'ble Peshawar High Court in a recent judgment reported as PLD 2021 Peshawar 154 has held that:

13. .) true that under the provisions of section 34 of Drugs Act 1976; if a person guilty of an offence under ibid Act is a company, corporation, or firm: then every director, partner or officer of the said company, corporation, as firm with whose knowledge and consent the offence is committed shall be guilty of the offence. Albeit the ibid provision has placed emphasis upon the knowledge and consent of the director. partner, or officer of the said company, corporation, or firm, qua the offence, which under the law shall be proved by the prosecution,

3. Section 28 of the DRAP Act 2012 deals with offences by companies etc. It stipulates that where the Person guilty of an offence under this Act or the Drugs Act, 1976 (XXXI of 1976) is a company, corporation, firm or institution, every director, partner and employee of the company, corporation, firm or institution with whose knowledge or consent the offence was Committed shall be guilty of the offence. [Emphasis added]

4. Noncompliance of the above referred provision with reference to ***unnecessary involving the director(s)/employees/ who are not involved or who do not have knowledge or consent to the commission of the offence is adversely affecting the growth of the pharmaceutical industry****. Therefore, DRAP Authority has directed to issue policy guidance under section 7(f) of the DPAP Act 2012 that the name(s) of only those director(s), partner(s) and employee(s) of the company, corporation, firm or institution may be included in the prosecution whose knowledge or consent could be established through evidence under section 28 of the Drug Regulatory Authority of Pakistan Act 2012 and section 34 of the Drugs Act, 1976. (Aamar Latif) -Additional Director (Legal Affairs)*

All the above persons are given full powers to ensure that all his operations and final finished products released tor market are in accordance with prevailing regulatory requirements in accordance with Drugs Laws of Pakistan. ***No one including MD of the company ever has any advance Knowledge or Consent about their decision related to manufacture and sale*** *within the legal framework of the section 34 of the Drugs Act 1976 or any rule Framed thereunder.*

<u>It is requested that case may please be dropped as having no merit and is misfit for Prosecution</u> *or any other action under Drug Act 1976, the*

DRAP Act 2012 and rules framed thereunder. Every citizen of Pakistan is entitled to be dealt in accordance with law and Due process as per requirement of 1973 Constitution of Islamic Republic of Pakistan.

*It is further requested that **statutory meaningful personal hearing may please be given to the company** whenever case is fixed for hearing before the PQCB for any interim or final order*

4. Personal hearing notice(s) issued to accused person(s) dated 17-02-2023

Previous Proceedings and Decision by The Board:

258th meeting held on 05-04-2023

5. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **258th meeting** held on **05-04-2023** under the Chairmanship of Secretary, Primary & Secondary Healthcare Department Punjab. Mr. Hassan Saeed, Secretary DQCB, District Lahore was present along with the original case record. Among the nominated accused persons, Ashfaq Safdar Tarrar (Chief Executive Officer) of M/s Shazeb Pharmaceutical Industries Limited, Hazara Trunk Road, Sarai Gadee Distt. Haripur, K.P.K-Pakistan appeared before the Board. Firm's representative reiterated the arguments furnished in the reply of the show cause notice and further submitted that the result of Calcium Chloride was given on the basis of Calcium Chloride Dihydrate instead of anhydrous Calcium Chloride which is the reason behind higher results. Firm's representative further submitted that deviation of active ingredient Calcium Chloride in all the subject batches of Zeesol-H is clinically insignificant and hence, should be ignored.

6. The Board after careful perusal of the case record and scrutiny of the DTL reports observed that the subject eleven batches of the subject drug sample Zeesol-H 1000ml (Ringer's Lactate) have been declared substandard by the Drugs Testing Laboratory Lahore on the basis of higher percentage of Calcium Chloride Dihydrate in all batches. The Board also observed that all the subject batches have also been declared substandard from the National Institute of Health, Islamabad from where the subject drug samples were tested upon firm's own request. The Board observed that the NIH Test Reports of all the above-mentioned batches have been issued after 94 days. As the samples sent on to the NIH were received at NIH on 23-05-2022, whereas the samples were tested by the NIH as per reports on 22-08-2022 and a test/ analysis report was issued on 25-08-2022, hence, making a total of 94 days' period from receiving of samples at NIH till issuance of reports. According to Section 22(2) of the Drugs Act, 1976, the Government Analyst is bound to furnish report within sixty days of the receipt of the sample and if he is not able to do so for reasons beyond his control, shall communicate reasons to the inspector in writing and shall endorse its copy to the Central Licensing Board or, as the case may be Registration Board or Provincial Quality Control Board who shall have the sample tested from the same or any other Government Analyst or a Government Drug Testing Laboratory or any other laboratory [or the Notified Drugs Laboratory] and shall ensure the receipt of results of such test and analysis within a further period as may be prescribed and shall make the test report available to the Inspector for further action.

7. Keeping in view the above-mentioned significant observation, the Board after due deliberation and detailed discussion unanimously decided to **pend the cases** and to seek a **clarification from NIH** in the subject cases regarding any time extension sought for testing of subject drug samples beyond 60 days' u/s 22(2) of Drugs Act, 1976.

NIH has submitted letter no. F.161-18/0161-P to 0173-P/2022-DC&TMD & F.161-18/0174-P/2022-DC&TMD both dated 31-05-2023 dated in response to the above-mentioned order:

Reference letter no. PQCB/R-163,164,165,166,167,168,169,170,171,172,173 & R-174/2022 dated 08-05-2023, regarding any time extension sought for testing of mentioned drug sample beyond 60 days, it is to inform that NIH did not request for any time extension.

Issue after receiving NIH Clarification was placed before the Committee for further directions/ decision

Previous Proceedings and Decision by The Committee:

nd Committee Meeting held on 21-06-2023

8. The 22nd Committee Meeting held on 21-06-2023 under the Convenorship of Director General, Drugs Control was considered by the Committee of Provincial Quality Control Board, as empowered by Board under section 11 (6) & (7) of the Drugs Act 1976 in its 258th meeting. The Secretary PQCB apprised the Committee of the subject issue that the clarification requested from the National Institute of Health Islamabad in 258th meeting held on 05-04-2023 has now been received in which the NIH has submitted that it did not request from any time extension in the subject cases.

9. The Committee, after taking due consideration of the case record and reply submitted by the NIH, unanimously directed to place the subject cases before the Board meeting for decision of the cases in the light of reply received from Appellate Laboratory.

National Institute of Health Islamabad has submitted the following letter dated 20-07-2023 regarding queries of Time Extensions:

F.No.1-20/4-Misc/2023-DC&TMD
National Institute of Health, Islamabad
Drugs Control and Traditional Medicines Division
Phone: (92-051) 9255210 Fax: (92-051) 051-9255099
WHO Collaborating Centre for Research and Training in Viral Diagnostics

Dated: July 20, 2023.

Subject: TIME EXTENSION REQUIREMENT FOR THE TESTING OF SAMPLES SUBMITTED TO DC&TMD, NIH

Reference subject requirement as asked by PQCBs, it is to inform that "The Drugs Control & Traditional Medicines Division (DC&TMD), National Institute of Health (NIH) is a laboratory specified by the Federal Government vides notification No. F.2-12/76-QCA dated, the 10th September, 1976 and SRO No. 542 (1)/92 dated 19th May, 1992 for the purpose of sub-section (5) of section 22 of the Drugs Act, 1976 (XXXI 1976).

It is further informed that sub-section (5) of section 22 of Drugs Act, 1976 (XXXI 1976) under which the sample of a drug for retesting is being sent to this laboratory by PQCBs /Central Licensing Board/Registration Board on the appeal of person from whom the sample has been taken or the warrantor of the drug who has intended to adduce evidence in controversial of a Government Analyst's Report do not mention any time limit.

It is to clarify that section 16(3) of SRO 793(1)/76 dated 06-08-1976 states that for the purpose of sub section (2) of section 22 of Drug Act, 1976 the further period which the report should be made available to the inspector shall be sixty days. In this case there is no binding on the government analyst working in Drug Testing Laboratory for any time extension request and said rules also does not mention any authority for sanctioning of any time extension request.

All the concerned quarters are, therefore, informed that as per sub-section (5) of section 22 of the Drugs Act, 1976 (XXXI 1976), there is no binding of any time extension request from concerned Boards requests for test and analysis of Drugs Samples under the Drugs Act, 1976 for obtaining the report of Appellate Laboratory.

(Ikram ul Haq)
Chief

To

1. Secretary, Registration Board, DRAP, Islamabad
2. Secretary, Quality Control Board, ICT, Islamabad
3. Secretary, Provincial Quality Control Board, Punjab
4. Secretary, Provincial Quality Control Board, Sindh
5. Secretary, Provincial Quality Control Board, Khyber Pakhtunkhwa
6. Secretary, Provincial Quality Control Board, Quetta, Balochistan
7. Chairman, Quality Control Board, Azad Jammu & Kashmir
8. Secretary, Quality Control Board, Gilgit, Baltistan

Previous Proceedings & Decision by The Board:

265th meeting held on 03-08-2023

10. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **265th meeting** held on **03-08-2023** under the Chairmanship of Secretary, Primary & Secondary Healthcare Department Punjab. The subject cases were placed before the Board along with the letter no. F-1-20/4-Misc./2023-DC&TMD by the National Institute of Health Islamabad dated 20-07-2023.

11. The Board after careful perusal of the letter circulated by the NIH expressed great concern

over interpretation of the sub-section (2) & (5) of the section 22 of The Drugs Act 1976 and hence, the Board, after due deliberation and detailed discussion, unanimously decided to **pend the cases** and to **write a letter to National Institute of Health Islamabad** conveying reservations over the subject letter by NIH.

As per Board's directions in 265th meeting dated 03-08-2023 a letter to NIH from PQCB was issued vide letter no. PQCB/AE/01-10/2023 dated 02-10-2023 conveying the reservation of Board regarding the above-mentioned letter by NIH

Ph No. 042-99332190

No. PQCB/AE/01-10/2023
Government of The Punjab
Primary & Secondary Health Care Department
Provincial Quality Control Board, Punjab
492 R-II Johar Town, Lahore.
Email Address: secretary.pqcb@gmail.com
Dated Lahore 02-10-2023

To,

The Chief
The Appellate Laboratory,
National Institute of Health (NIH),
Drug Control and Traditional Medicines Division,
Islamabad.

SUBJECT: - **CLARIFICATION REGARDING LETTER NO. F.No. 1-20/4-Misc/2023-DC&TMD dated July 20, 2023**

Reference to your letter no. F. No. 1-20/4-Misc/2023- DC&TMD dated July 20, 2023 regarding "Time Extension Requirement for the Testing of Samples Submitted to DC&TMD", it is submitted that in Para (1) you have mentioned references of following letters:

- Notification No. F.2-12/76-QCA dated 10th September, 1976
- SRO No. 542 (1)/92 dated 19th May, 1992

You are requested to provide the copies of these above-mentioned two letters.

2. The above-mentioned letter referred in the subject was placed in 265th meeting of the Provincial Quality Control Board Punjab held on 03-08-2023 in which the Board after due deliberation and detailed discussion, is of the opinion that your clarification in para (3) of the subject letter regarding sub-section (2) of the Section 22 of The Drugs Act 1976 is not legitimate. The Board is of the opinion that in sub-section (2) of the Section 22 of The Drugs Act 1976, it describes that;

*"The Government Analyst, as far as maybe, shall submit the report referred to in sub-section (1) within sixty days of the receipt by him of the samples of the drug and, if he is not able to do so for reasons beyond his control, shall communicate the reasons to the Inspector in writing and shall endorse its copy to the [Central Licensing Board or, as the case may be, the Registration Board or the Provincial Quality Control Board] who shall have the sample tested from the same or any other Government Analyst or a Government Drug Testing Laboratory or any other Laboratory and shall ensure the receipt of results of such test and analysis within **a further period** as may be **prescribed** and shall make the test report available to the Inspector for further action."*

3. In view of aforementioned, the reservation of Board is hereby communicated.

DR. MUHAMMAD MUNAWAR HAYAT
Secretary
Provincial Quality Control Board Punjab

Copy forwarded for information to:
1. Master File

DR. MUHAMMAD MUNAWAR HAYAT
Secretary
Provincial Quality Control Board Punjab

12. Personal hearing notice(s) issued to accused person(s) dated 15-02-2024

Previous Proceedings & Decision by the Board:

279th meeting held on 24-04-2024

13. Subject cases were placed before the Board in its 279th meeting held on 24-04-2024. Mr. Hassan Saeed, Secretary DQCB Lahore and Ms. Sadia Rana, Drug Inspector Lahore General Hospital was present along with original case record. No one among the nominated accused person of M/s Shazeb was present. The above-mentioned cases were **left-over** due to time constraints.

14. Personal hearing notice(s) issued to accused person(s) dated 27-05-2024

Previous Proceedings & Decision by the Board:

281st meeting held on 06-06-2024

15. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **281st meeting** held on **06-06-2024** under the chairmanship of Special Secretary (Operations)/ Vice chairperson PQCB Primary & Secondary Healthcare Department Punjab. Mr. Hassan Saeed, Secretary DQCB, District Lahore and Ms. Sadia Arshad Rana, Drug Inspector Lahore General Hospital, District Lahore was present along with the original case record. No one among the nominated accused persons was present. However, Dr. Imran Mehmood Chaudhry (Advocate) of M/S Shazeb Pharmaceutical Industries Limited, appeared before the Board and submitted that the NIH test reports in the subject cases should be considered non-conclusive as reports have been issued beyond sixty days which is violation of Sub-section (2) of Section 22 of The Drugs Act 1976. He further quoted a judgement 1991 P Cr. L J 1363 passed by High Court. Moreover, to support his argument he further pointed out the issuance of NIH Test Report on Form-6 in compliance to Rule 16 of Federal Government Analyst Rules 1976, the same rules which bind/ restrict the Federal Government Analyst to issue test report within sixty days. Regarding technical grounds for failure of the subject twelve batches of Infusion Ringer Lactate, firm's counsel shared that as per stoichiometric calculations the content of sodium and total chlorides is within the limit, hence, higher than the limit assay of calcium chlorides dehydrate is beyond comprehension. Firm requested the Board to consider the subject cases with leniency by considering the above-pleaded facts.

16. The Board after careful perusal of the case record and scrutiny of the DTL reports observed that the subject twelve batches of the subject drug sample Zeesol-H 1000ml (Ringer's Lactate) have been declared substandard by both the laboratories i.e., the Drugs Testing Laboratory Lahore and National Institute of Health Islamabad on the basis of higher than the limit assay of Calcium Chloride Dihydrate in all batches. The Board also observed that the subject cases have already been discussed in detail in 258th meeting dated 05-04-2023 in which Board directed to seek clarification from NIH, upon submission of which the Board again directed to convey its reservations upon letter no. F-1-20/4-Misc./2023-DC&TMD by the National Institute of Health Islamabad dated 20-07-2023. The Board also observed that the letter no. PQCB/AE/01-10/2023 dated 02-10-2023 has been sent to the NIH to convey the same but no response was received from the NIH in this regard.

17. Keeping in view the arguments presented by the firm's counsel in today's hearing, the Board was of the view that there is a need of more elucidative clarification from NIH. Hence, the Board after due deliberation and detailed discussion unanimously decided to **pend the cases** and to seek **clarification from NIH** in the subject cases upon following points:

i. NIH report is being issued on Form 6 under Rules 16 of The Drugs (Federal inspector, Federal Drug Laboratory and Federal Government Analyst) Rules 1976, which also binds the Analyst to follow Section 22 (2) of The Drugs Act 1976.
ii. The counsel of the firm submitted a copy of Judgment 1991 P Cr. L J 1363 was passed by the double bench of High Court, in which a case it was established that the reporting time for NIH is also sixty days beyond which time extension should have been sought from the competent authority. NIH needs to clarify whether the said judgement has been subsequently challenged by NIH on any forum or not.
iii. Moreover, NIH was requested vide letter no. PQCB/AE/01-10/2023 dated 02-10-2023 to provide copies of following letters:

- Notification No. F.2-12/76-QCA dated 10th September, 1976
- SRO No. 542 (1)/92 dated 19th May, 1992

18. Furthermore, the drug inspector is directed to retain an appropriate portion for Court proceedings and dispose-off the remaining substandard stock having Expiry date of Oct-2024 in accordance with PQCB order dated 06-05-2023 on guidelines regarding fate of case properties and report to the office of Secretary PQCB within 7 days positively

NIH Submitted following Clarification pursuant to Board Orders vide letter no. F.No.1-20/17-Misc/2021-DC&TMD dated 26-Aug-2024

Reference Provincial Quality Control Board, Punjab (PQCB/R163,164,165, 166,167, 168, 169, 170, 171, 172, 173,174/2022) Order dated 06-06-2024 in Case No. 1/281"-M (item No.-1), the undersigned would like to submit following: -

Clarification for para-17 (i)

1. FORM 6 is used as Certificate of Analysis by both Federal Drug Laboratory and Government Analyst as desired / directed in the sub section (1) of Rule 16 of the Drugs (Federal Drug Inspectors, Federal Drug Laboratory and Federal Government Analysts) Rules, 1976.

   Rule 16(1) refers that after test or analysis the result thereof together with full protocols of the test applied shall be supplied forthwith to the sender in FORM 6.

   It is pertinent to mention that the sender is different for both cases. In case of Government Analyst, the sender is Inspector who sends the portion of sample to the Government Analyst vide memorandum to Government Analyst on FORM 4 (see rule 8) whereas in case of Federal Drug Laboratory, the sender is PQCBs / Registration Board. The samples for test or analysis be sent to the officer for the time being in charge of the Federal Laboratory by registered post in a sealed packet with memorandum to the Federal Laboratory on FORM 5 (see rule 14)

2. Sub section (2) of the said Rule directs only the Government Analyst for the purpose of sub-section (1) of section 22, to forward a copy to the registration board in case of registered drug and to the central licensing board in all other cases where there is no any such direction for the Federal Drug Laboratory.
3. Sub section (3) of the said rule has the direction for the further period within which the report should be made available to the inspector shall be sixty days for the purpose of sub section (2) of section 22 where as it does not have any direction of time frame or period of availability of the report to concerned PQCBs for sub section (5) of section 22 of the Drug Act, 1976.
4. Yes, it binds the Government Analyst to follow section 22(2) of the Drugs Act, 1976 but has no directions / instructions for the Federal Drug Laboratory.
5. Furthermore, sub section (2) of section 22 of Drug Act, 1976 deals with the Dr0ced. for report of Government Analyst and authority for the time extension whereas it neither has any direction regarding time period nor describe any authority for time extension on for Federal Drug Laboratory.
6. It is also to inform that The Drugs Control & Traditional Medicines Division (DC&TMD), National Institute of Health (NIIH) is a laboratory specified by the Federal Government vides notification No. F.2-12/76-QCA dated, the 10th September, 1976 and SRO No. 542 (1)/92 dated 19th May, 1992 for the purpose of sub-section (5) of section 22 of the Drugs Act, 1976 (XXXI 1976). It has nothing to do with other sub sections of section 22 of said Act.

Clarification for para-17(ii)

Copy of the Judgment 1991 P Cr. L J 1363 passed by the double bench of High Court indicates

that it was filed by the State through Advocate, Sindh Karachi as appellant versus Messrs. ASPRO NICHOLAS PAKISTAN LTD KARACHI and 9 others as respondent. The appeal was dismissed on the basis of:

i. The reporting time for NIH is also sixty days beyond which time extension should have been south from the competent authority.
ii. Provincial Quality Control Board was not competent to send the sample for retesting by way of second opinion.

It seems that NIIH had neither be made part of the said case nor the court had issued any notice to NIH for comments. The court observation regarding time extension and the authority competent for Federal Drug Laboratory has already explained in Clarification for para-17(i). However, DC&TMD will be able to reply / clarify in detail subject to provision of the following by PQCB through counsel of the firm:

i. Copy of the writ petition / intra court appeal
ii. Copies of comments submitted by the parties
iii. Copies of court's proceeding.
iv. Copy of the detail Judgment if any.

Provision of copies, para-17(iii)

Copies of the following are attached herewith for your kind perusal.

1. Notification No. F2-12/76-QCA dated, the 10th September, 1976

2. SRO No. 542 (1)/92 dated 19th May, 1992

THE GOVERNMENT OF PAKISTAN

MINISTRY OF LABOUR. MANPOWER. HEALTH AND POPULATION PLANNING

(Health Division)

NOTIFICATION

Islamabad, the 10th September, 1976

No. F. 2-1 2/76-QCA. - The Federal Government is pleased to specify the Drugs Control and Research Division of the National Health Laboratories, Islamabad, to be the laboratory for the purpose of sub-section (5) of section 22 of the Drugs Act, 1976 (XXXI of 1976).

LT. GEN, A.N. ANSARI,

Secretary Health.

THE GOVERNMENT OF PAKISTAN

MINISTRY OF HEALTH, SPECIAL EDUCATION AND SOCIAL WELFARE

Islamabad, the 19th May, 1992

S.R.O. 542(1)/92.- In this Ministry's Notification No. F. 2/12/76-0CA, dated 10-9-1976, for the words "Research" the words “Traditional Medicines" shall be substituted.

[No. F.1-2/92-QC.]

DR. SYED MOHSIN ALI,

Director General Health/

Additional Secretary.

19. Issue was placed before the Board for decision.

Previous Proceedings & Decision by the Board:

284th meeting held on 05-09-2024

20. Subject issue was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **284th meeting** held on **05-09-2024** under the Chairpersonship of Secretary, Primary & Secondary Healthcare Department Punjab, Chairperson PQCB. The Board decided to send **letter *F.No.1-20/17-Misc/2021-DC&TMD dated 26-Aug-2024* of NIH** to Legal Consultant, DGDC office for comments/ legal opinion and place the case after calling the firm in next Board meeting.

21. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024

22. Case is placed before the Board for decision

Sr. No.	Summary of the Cases	
1	**Sampling Date (Form 4)**	02-12-2021, 20-12-2021 (for Sr. No. 12)
2	**Sample Sent to DTL (Form-6)**	02-12-2021, 20-12-2021 (for Sr. No. 12)
3	**Receipt Date in DTL**	02-12-2021, 21-12-2021 (for Sr. No. 12)
4	**Issuance of DTL Report**	28-01-2022, 04-02-2022, (for Sr. No. 12)
5	**Time Extension**	Not Time Barred
6	**DI First Communication with Firm**	18-02-2022
7	**Retesting Request**	Yes (28-02-2022)
8	**Fate of Retesting Request of Firm**	Allowed in 243rd meeting dated 12-05-2022
9	**Samples Sent to NIH**	16-05-2022
10	**Samples Received by NIH**	23-05-2022

11	**NIH Reports**	Substandard (25-08-2022)
12	**NIH Reporting Days**	**94 Days**
13	**Investigation Report by DI**	04-11-2022
14	**SCN Permission**	253-M (29-11-2022)
15	**Show Cause Notice Issued**	09-01-2023
16	**Reply of Firm to Show Cause Notice**	27-01-2023
17	**History (3 years)**	Firm's Reported: 24
		Product's Reported: 16

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 21

PQCB/R-912/2021

Tehsil Sadiqabad, District Rahim Yar Khan

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/s Davis Pharmaceutical Laboratories, 121, Industrial Area, Islamabad-Pakistan,** through its Chief Executive Officer Amanullah Sheikh 2. Amanullah Sheikh — Chief Executive Officer 3. Amer Badshah — Production Incharge 4. Aamir Shahzad — Quality Control Incharge/ Warrantor Of M/s Davis Pharmaceutical Laboratories, 121, Industrial Area, Islamabad-Pakistan

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Tehsil Sadiqabad, District Rahim Yar Khan reported that: -

i. The then drug Inspector, on 23-09-2021 inspected the business premises of M/s Yousaf medical store Guddu Road Adda Dinu Shah Tehsil Sadiqabad, Rahim Yar Khan, took drug sample on Form No. 4 for the purpose of test/analysis and sent to Drug Testing laboratory, Bahawalpur vide memo no. 107665 dated 23-09-2021.
ii. Following drug sample, after test/analysis was declared as **Substandard** by Government Analyst, Drug Testing Laboratory, **Bahawalpur** as detailed below: -
iii. Yousaf medical store Guddu Road Adda Dinu Shah Tehsil Sadiqabad Rahim Yar Khan provided invoice/warranty No. 7430 dated 15-08-2021 issued by M/s Faisal Medicine Company Ajmal Town Near Hafiz Razzaq Sadiqabad.
iv. Warrantor Portion of the drug was sent to M/s Faisal Medicine Company Ajmal Town Near Hafiz Razzaq Sadiqabad, Rahim Yar Khan who in turn provided invoice/warranty No. 23907dated 03-08-2021 issued by M/s Davis Pharmaceutical Laboratories, 121, Industrial Area, Islamabad-Pakistan.
v. A copy of Test/ Analysis report was sent to M/s Davis Pharmaceutical Laboratories, 121, Industrial Area, Islamabad-Pakistan and they were directed to provide requisite information in this regard. In response, the firm requested for retesting of sample drug in question from Appellate Laboratory/ NIH Islamabad. Retesting request of the firm was allowed in 240th meeting dated 15-03-2022. The sample of drug in question was sent to the Appellate Laboratory/ NIH Islamabad, from where the sample drug in question declared **Substandard.** The detail is as follow: -

Name of drug	**Batch No.**	**Name of manufacturer**	**DTL Report TRA No. & Date**
ENTERIC COATED TABLET. DAVITRAN DS [DICLOFENAC SODIUM	T865	M/S Davis Pharmaceutical Laboratories, 121, Industrial Triangle Area,	01-86000060/DTL Dated 24 Nov 2021

100 MG] Mfg Date: 07-2021 Exp date: 06-2023		Islamabad-Pakistan	

Specification Applied: USP 2020

DESCRIPTION: Red, round tablet, plain from both sides, packed in the blister packing, enclosed in outer carton.

IDENTIFICATION (USP): Diclofenac Sodium is identified.

ASSAY (USP)	Stated	Determined	Percentage	LIMIT
Diclofenac Sodium	100mg/Tab	96.09mg/Tab	96.09%	**90.0-110.0%**

DISSOLUTION TEST (USP): (Does not comply with USP Specifications)

Acid stage (Diclofenac Sodium): Not more than 10% of the labelled amount is dissolved after 2 hours.

Buffer Stage (Diclofenac Sodium): Not less than 75% (Q) of the labelled amount is dissolved after 45 mins.

LEVEL	NUMBER TESTED	ACCEPTANCE CRITERIA						AVERAGE	REMARKS
A1 & B1	06	Each unit is not less than Q+5% and not more than 2 units are less than Q-15% and no unit is less than Q-25% (Buffer stage).						A1 & B1	**Does not Comply (Diclofenac Sodium Buffer stage)**
		Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6		
Acid	Diclofenac Sodium	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Buffer		**40.10%**	**33.58%**	**2.21%**	**1.01%**	**3.74%**	**44.02%**	**20.78%**	

Result: ***All of the 6 units of Diclofenac Sodium are less than Q-25% in Buffer stage (Does not comply with specs.)***

RESULT: The sample is declared SUB-STANDARD on the basis of **DISSOLUTION TEST**.

Name of drug	Batch no.	Name of manufacturer	Test Report No. & Date	NIH Test Report Results

Tablet Davitran DS (E.C) Diclofenac Sodium 100mg	T865	M/S Davis Pharmaceutical Laboratories, 121, Industrial Area, Islamabad-Pakistan	No. 079-P/2022 dated 16-06-2022	**DISSOLUTION TEST** **Determined:** All the six tablets are deviated from the limit. **Limit**: Not less than 75% (Q) of the labelled amount of Diclofenac sodium is dissolved **Does not comply with USP-39** **CONCLUSION:** The sample is of **Substandard** quality on the basis of test performed.

vi. A copy of NIH Test report was sent to M/s Davis Pharmaceutical Laboratories, 121, Industrial Area, Islamabad-Pakistan and they were directed to provide requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacturing/ Sale of Substandard Drug**
b. **Issuance of false warranty**

3. Show cause notice(s) issued to the accused persons(s)

Reply to show cause notice:

1. Please refer to the subject cited above We. M/s Davis Pharmaceutical Laboratories (Pvt.) Ltd ("Davis Pharma" or the "Company" interchangeably) are in receipt of the show cause notice bearing reference PQCB/R-912/2021 dated 07- 06-2024 where under your good-self has directed us to show cause in terms of Rule 5 of the Punjab Drug Rules, 2007 and Section 11 of the Drugs Act, 1976 as to why any legal action including but not limited to initiation of prosecution before the Drug Court and cancellation/suspension of the Drug Registration and Drug Manufacturing License along with the Drug Registration may not be taken against the Company for allegedly contravening the provisions of the Drug Laws and the rules framed thereunder for allegedly manufacturing a substandard drug and issuing a false warranty in respect thereof.

2. Firstly, please note that our Company is a leading pharmaceutical company in the country engaged in the manufacturing of premium quality drugs at its state of the art manufacturing site. It is a matter of fact that the Company has shown strict adherence with the Drug Laws and the rules framed thereunder in order to ensure that absolutely safe, efficacious and high-quality products are consumed by the general public. Essentially, it is in this backdrop that the Company seeks to refute and deny the false and incorrect findings of the Government Analyst of the National Institute of Health, Islamabad (the "NIH") rendered vide test report No 079-P/2022 dated 16-06-2022 (the "NIH Report) whereby the product, namely, Tablet Dravitran DS Batch No. T865(the "Product") has allegedly been declared as "substandard" in terms of Section 3 of the Drugs Act, 1976 (the "Drugs Act") on account of its failure to comply with the Dissolution Test.

3. It is pertinent to submit that all our pharmaceutical products are subjected to a stringent testing regime prior to their release in the market and/or supply to the concerned institute. Such exercise is essentially carried out in compliance of our legal as-well as regulatory duties and to ensure that safe, efficacious and high-quality pharmaceutical products are being consumed by the general public. In context of the present case, it may be noted that a similar exercise was carried out and the subject batch te, T865 was only released in the market once it was affirmed that the same was of standard quality and in compliance with the quality parameters prescribed under the applicable specifications. As such, the alleged variation observed by the Analyst has arisen as a result of external factors completely beyond the control of the Company and/or its concerned officials. Even otherwise, we have thoroughly examined our retention records and in-process batches wherein it has transpired that the Product is of standard quality. All tests/procedures including raw data calculations and UV absorbance have been conducted on the retention samples by CR 21 certified UV Spectrophotometer and the results have been found within the limits prescribed under

the applicable specifications. In light of the reports of the testing conducted upon our retention samples, your good-self is requested to conduct a proper investigation in the present case to determine the extraneous factors that have led to the issuance of the NIH Report.

4. At this juncture, we would like to highlight that the report furnished by the Government Analyst of the National Institute of Health is a defective report since acid testing has not been carried out and an exact dissolution percentage of the product has been given. Even otherwise, there is a significant time lapse between the time period when the sample of the Product was obtained and the same was tested by the NIH. In this context, no proof has been provided vis-à-vis the maintenance of the storage conditions It is an established scientific fact that pharmaceutical products must be controlled and/or stored at their specific sto¿¿g¿ conditions and optimum conditions to enable them to maintain their quality and efficacy.

5. Furthermore, it may also be noted that the standard solution required for carrying out the dissolution test must be prepared practically, however, the value applied by the NIH Government Analyst for Dissolution Test Raw Data was derived theoretically by cross multiplication, which is a violation of USP 2022 test protocol. As per USP protocol the dissolution of enteric coated tablets is of two stages i.e. (1) Acid stage (10% dissolution within 2hrs in 0.IN HCI) & (2) Buffer stage (45 min in Phosphate buffer pH 6.8). It also has been observed that Acid stage has not been performed in the Dissolution Test and only Buffer Stage Test is performed. Hence the USP testing protocol is entirely violated

6. As per the DTL Report the Product complies at the Acid Stage which indicates that the tablets remain intact due the enteric coated film which acts as a chemical plasticizer and the maximum release is of 1.2% in Acid even after 2hr having the limit of 10% further fortifies the standard quality of the same. As per USP protocol buffer stage medium of 6.8 pH is prepared by dissolving 76 mg/mL of tribasic sodium phosphate which indicates that tribasic sodium phosphate anhydrous has been used. In Market Tribasic sodium phosphate is also available in hydrated form i.c., Monohydrate and Dihydrate etc. Hence, deviation from the specified limit as reflected by the DTL Report might be due to the use of hydrated form of tribasic sodium phosphate and it is a common observation that hydrated form of tribasic sodium phosphate results in the lesser contents of salts which ultimately cause delay in dissolving the enteric coated film finally lowering the dissolution profile of a sample. Moreover, no testing protocols have been provided in the DTL Report therefore no reliance can be placed on the DTL Report and the findings contained therein are to be deemed as inconclusive and false. Even otherwise, it is essential to highlight that the results of all the tests including raw data calculations and UV Absorbance were conducted in compliance of USP protocol on the retention sample of the Product by CFR 21 certified UV Spectrophotometer software, which are of paramount importance in determining the quality of the Product since the retention sample in kept environment best suited for the Product and have been found to be satisfactory i.e, 95 45%, which falls within the prescribed specifications. As such, the findings of the Government Analyst are without any merit.

7. In pursuance thereof, it is submitted that exposure of the Product more particularly its enteric coating, to high and humid temperature is likely to have led to the observance of the variation in the results of the Dissolution Test. In this regard, the requirements stipulated under Section 32(3) of the Drugs Act, have not been dispensed with as no inquiry has been conducted to ascertain whether the Product properly was maintained stored in accordance with the specified storage conditions. Similarly, no measures have been undertaken to determine the conditions within which the Product was subsequently stored by the concerned government analyst(s) and the drug inspectors dealing with the subject case. In view thereof, your good-self is very kindly requested to conduct a detailed inquiry in the present case to ascertain whether the aforementioned parties were able to store the Product properly since the imposition of any penalty on the Company and/or its officials due to the negligence and carelessness of the third parties shall be violative of the principles of justice and equity.

8. In addition to aforementioned grounds that devoid the subject show cause from any substance or basis, the actions of the Drug Inspector also reflect procedural deficiencies in the inquiry process hence, the Company most respectfully submits that these defects and deficiencies are to be accounted for prior to the initiation of any subsequent proceeding as they entail a deviation and contravention of statutory provisions of law laid out under the Drugs Act, 1976. Furthermore, it is also highlighted that the Company received no intimation regarding the sampling of the Product in question; more so, the Drug Inspector, did not dispatch the warrantor/ manufacturer portions, as the case may be, of the sampled Product in question which constitutes a violation of Section 19 of the Drugs Act.

9. In the above mentioned circumstances, it is therefore most respectfully stated that no case of manufacturing a substandard drug and issuing a false warranty in respect thereof is made out against the Company as has been wrongfully alleged in the

subject show cause notice. Notwithstanding the foregoing and despite our absolute innocence in the subject case, please note the following information and find attached the relevant documents as per your requirement:

i) Amanullah Sheikh CEO

ii) Khurram Munaf General Manager Plant Operations

iii) Aamir Shahzad Quality Control In-charge/ Warrantor

iv) Amer Badshah Production Manager

v) Drug Registration Certificate.

vi) Drug Manufacturing License.

10. Accordingly, please note that we have not contravened the provisions of the Drug Laws and the rules framed there under as has been wrongfully alleged in the show cause notice under reply. The findings of the Government Analyst vis-a-vis the Product are incorrect hence no reliance can be placed upon the same. There is no cavil with the fact that the initiation of any adverse proceedings against the Company and/or its officials on the basis of the findings of the Government Analyst shall be against the scheme of the Drugs Act, 1976 as well as the dictates of justice. At this juncture, we would like to reiterate that the Company has neither manufactured as substandard drug nor has it issued a false warranty in respect thereof. All quality parameters are well within the limits prescribed in the applicable specifications and the Product is completely safe for usage.

11. In view thereof, as no case is made out against the Company and/or its officials, your good-self is very kindly requested to withdraw the titled show cause notice along with all subsequent proceedings and consign the case to record in the interest of justice and equity.

4. Personal hearing notice(s) issued to the accused persons(s) dated 12-09-2024.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

5. The subject case was placed in **285th** meeting held on **26.09.2024**. Case was left over due to time constraints.
6. Personal hearing notice(s) issued to the accused persons(s) dated 22-10-2024.

Summary:

Date of sampling: 23-09-2021

Date of DTL: 23-09-2021

Date of receipt in DTL: 27-09-2021

Issuance date of DTL Report: 24-11-2021

Time Extension: Not Time Barred

1st DI Communication with firm on dated: 14-01-2022

Retesting Request of Firm: Firm requested for retesting request dated 20-01-2022

Fate of Retesting Request: Allowed in 240th meeting dated 15-03-2022 (NIH Substandard)

Permission of Show cause notice: 276-M

PROCEEDINGS & DECISION BY THE

Investigation report received: 06-01-2024

Show cause notice dated: 07-06-2024

Reply of the firm: Received

History of the firm of last 3 years:

Firm: 07 cases of the subject firm

Product: 03 cases including subject product

Manufacturing Date: 07-2021

Expiry Date: 06-2023

BOARD:

Case No. 22

PQCB/ R-639/2021

Sher Shah Town, District Multan

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan,** through its Chief Executive Officer, Amanullah Sheikh 2. Amanullah Sheikh — Chief Executive Officer 3. Amir Badshah — Production Incharge 4. Amir Shahzad — Quality Control Incharge/ Warrantor **of M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan**

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Sher Shah Town, District Multan, reported that: -

i. His predecessor, on 11-08-2021, inspected the business premises of M/S Sharay Pharma, H. No. 1456-1, Qadir Nawaz Road, Near Kachahri Chowk, Multan and took 3 different types of drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory, Multan.

ii. The subject drug sample, sent vide memo no. 103868 dated:11-08-2021, after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory, Multan, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	DTL Report TRA No. & Date
Enteric coated tablet Davitran DS (diclofenac sodium 100 mg),	T865 **Mfg. date: 07-2021** **Exp. Date: 06-2023** **Reg# 063201**	M/s Davis pharmaceutical laboratories 121, industrial triangle area, Islamabad-Pakistan.	01-89006354/DTL, date: 09th Oct, 2021

Specification applied: USP 2021

DESCRIPTION: Light red to red color, round, biconvex tablets plain on both sides packed in ALU-ALU blister of 10 units in a labeled outer carton. Each outer carton contains three blisters of ten units each (3 Í10=30 Tablets).

IDENTIFICATION: Diclofenac Sodium Identified

Dissolution Test: Does not comply with the specifications as described below:

- **Tolerance Limit: Acid Stage: NMT 10% in 2 hours (120 mints) in 0.1 N HCl**

LEVEL	UNITS	% RELEASE						AVERAGE	REMARKS
A1	6	NMT 10% in Acid Stage						A1	COMPLIES
		U#1	U#2	U#3	U#4	U#5	U#6		
Determined	%	0.044	0.054	0.163	0.12	0.16	0.3		

- **Tolerance Limit: Buffer stage: NLT 75%(Q)of the labeled amount of Diclofenac Sodium is dissolved in 45 mints in pH 6.8 Phosphate Buffer**

LEVEL	UNITS	% RELEASE						AVERAGE	REMARKS
B1	6	No Unit is less than 80% (Q+5) in Buffer Stage						B1	Does not comply
		U#1	U#2	U#3	U#4	U#5	U#6		
Determined	%	51.39	23.61	46.93	29.21	32.38	33.67		

* As the criteria of B3 i.e. NMT 2 units are < Q-15%, And no unit is < Q-25% is achieved. So, the results conform at B1 Stage.

**The quantity Q, is specified amount of dissolved active substance, expressed as percentage on the label claim.

Assay	Stated	Determined	Percentage	Limits	Comments
Diclofenac Sodium	100 mg/Tablet	100.27 mg/Tablet	100.27%	90-110%	COMPLIES

RESULT: The above sample is **Sub-Standard**, on the basis of the Dissolution Test performed

iii. M/S Sharay Pharma, H. No. 1456-1, Qadir Nawaz Road, Near Kachahri Chowk, Multan, provided invoice/ warranty No.23438 dated 24-07-2021 issued by M/s Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan, as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/s Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.

v. A copy of test/analysis report was sent to M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan and they were asked to explain their position and provide the requisite information in this regard.

vi. In Response, the firm challenged the test/analysis report and requested for re-testing of the above-mentioned drug sample from Appellate Laboratory NIH, Islamabad.

vii. Pursuant to the request of manufacturer the sample was sent to NIH, Islamabad, from where the sample was declared **Substandard** as detailed below:

Name of drug	Batch No.	Name of manufacturer	NIH Test	NIH Test Report Results

			Report No. & Date	
Enteric coated tablet Davitran DS (diclofenac sodium 100 mg),	T865	M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.	078-P/2022 dated: 16-06-2022	**Analysis with specifications applied: USP-39** **Dissolution Test:** **Determined:** Five tablets out of six deviated from the limit. **Limit:** Not less than 75.0% (Q) of the labeled amount of Diclofenac Sodium is Dissolved. **(Does Not Comply with USP-39)** **Result:** The sample is of **Substandard** quality on the basis of tests performed.

viii. Copy of NIH report was sent to M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.

2. Drug Inspector requested for grant of permission for prosecution against the persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of:

   a. **Manufacturing for sale /sale of Substandard drug**
   b. **Issuance of false warranty**

3. Show cause notice(s) issued to accused person(s) dated 05-05-2023.
4. Personal Hearing notice(s) issued to accused person(s) dated 16-09-2024.

PREVIOUS PROCEEDINGS AND DECISION BY THE BOARD:

PQCB's 285th meeting held on 26-09-2024:

5. Case was considered by the Provincial Quality Control Board under section 11 of the Drug Act 1976 in its **285th Meeting held on 26-09-2024** under the Chairmanship of Secretary, Primary and Secondary Healthcare Department, Punjab (Chairperson PQCB). Mst. Irum Kaukab, Secretary DQCB, Multan attended the meeting online via zoom link and Mr. Sabir Ali, Drug Inspector, Sher Shah Town, Multan was present along with original case record.. Among the nominated accused persons Aamir Shahzad (QC Head) along with Fatima Zahid (Lawyer) and Fatima Abbas (Advocate) of M/S Davis Pharmaceutical Laboratories, 121, Industrial Triangle Area, Islamabad-Pakistan were present.
6. The case was left-over due to time constraint.

Personal Hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date:07-2021**
- **Exp. Date: 06-2023**
- **Sampling date (Form 4): 11-08-2021**
- **Sent to DTL (Form 6): 11-08-2021**
- **Date of receipt in DTL: 12-08-2021**
- **DTL Report Date (Form 7): 09-10-2021**

- **Time Extension to DTL: report not time barred**
- **DI 1st intimation to firm: 14-10-2021**
- **Retesting request if any: Yes**
- **Fate of Retesting Request: NIH Substandard**
- **Investigation report Dated: 26-11-2022**
- **SCN Permission: 254th meeting dated: 13-12-2022**
- **SCN Issued: 05-05-2023**
- **Reply of the firm No**
- **History (3 years) Firm: 08 cases**
- **Product: 03 case**

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 23

PQCB/ R-729/2021`

Tehsil Shuja Abad, District Multan

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan,** through its Managing Director, Khuram Munaf 2. Khuram Munaf Managing Director 3. Amir Badshah Production Incharge 4. Amir Shahzad Quality Control Incharge/ Warrantor of M/S **Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan**

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Shuja Abad Town, District Multan, reported that: -

i. The then Drug Inspector, on 02-09-2021, inspected the business premises of M/S Malik Pharmacy, Raja Ram, Lodhran Road, Zareef Shaheed, Tehsil Shuja Abad, Multan and took 3 different types of drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory, Multan.
ii. The subject drug sample, sent vide memo no. 105647 dated:03-09-2021, after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory, Multan, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	DTL Report TRA No. & Date
Enteric coated tablet Davitran DS (diclofenac sodium 100 mg),	T865 **Mfg. date: 07-2021** **Exp. Date: 06-2023** **Reg# 063201**	M/s Davis pharmaceutical laboratories 121, industrial triangle area, Islamabad-Pakistan.	01-89006783/DTL, date: 02-11-2021

Specification applied: USP 2021

DESCRIPTION: Light red to red color, round, biconvex tablets plain on both sides packed in ALU-ALU blister of 10 units in a labeled outer carton. Each outer carton contains three blisters of ten units each (3 Í10=30 Tablets).

Assay	Stated	Determined	Percentage	Limits	Comments
Diclofenac Sodium	100 mg/Tablet	103.5 mg/Tablet	103.5%	90-110%	COMPLIES

IDENTIFICATION: **Diclofenac Sodium Identified**

Dissolution Test: **Does not comply with the specifications as described below:**

- **Tolerance Limit: Acid Stage: NMT 10% in 2 hours (120 mints) in 0.1 N HCl**

LEVEL	UNITS	% RELEASE						AVERAGE	REMARKS
A1	6	**NMT 10% in Acid Stage**						A1	**COMPLIES**
		U#1	**U#2**	**U#3**	**U#4**	**U#5**	**U#6**		
Determined	%	1.2	1.18	0.44	0.48	0.35	0.53		

- **Tolerance Limit: Buffer stage: NLT 75%(Q)of the labeled amount of Diclofenac Sodium is dissolved in 45 mints in pH 6.8 Phosphate Buffer**

LEVEL	UNITS	% RELEASE						AVERAGE	REMARKS
B1	6	**No Unit is less than 80% (Q+5) in Buffer Stage**						B1	**Does not comply**
		U#1	U#2	U#3	U#4	U#5	U#6		
Determined	%	63.3	61.3	61.6	56.9	55.2	43.9		

* As the criteria of B3 i.e. NMT 2 units are < Q-15%, And no unit is < Q-25% is achieved. So, the results conform at B1 Stage.

**The quantity Q, is specified amount of dissolved active substance, expressed as percentage on the label claim.

RESULT: The above sample is **Sub-Standard**, on the basis of the Dissolution Test performed

iii. M/S Malik Pharmacy, Raja Ram, Lodhran Road, Zareef Shaheed, Tehsil Shuja Abad, Multan, provided invoice/ warranty No.18316 dated 15-08-2021 issued by M/S Sharay Pharma, H. No. 1456-1, Qadir Nawaz Road, Near Kachahri Chowk, Multan, as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/S Sharay Pharma, H. No. 1456-1, Qadir Nawaz Road, Near Kachahri Chowk, Multan.

v. M/S Sharay Pharma, H. No. 1456-1, Qadir Nawaz Road, Near Kachahri Chowk, Multan in turn provided invoice/warranty no. 23438 dated: 24-07-2021 issued by M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan as a proof of its purchase.

vi. A copy of test/analysis report was sent to M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan and they were asked to explain their position and provide the requisite information in this regard.

vii. In Response, the firm challenged the test/analysis report and requested for re-testing of the above-mentioned drug sample from Appellate Laboratory NIH, Islamabad.

viii. Pursuant to the request of manufacturer the sample was sent to NIH, Islamabad, from where the

sample was declared **Substandard** as detailed below:

Name of drug	Batch No.	Name of manufacturer	NIH Test Report No. & Date	NIH Test Report Results
Enteric coated tablet Davitran DS (diclofenac sodium 100 mg),	T865	M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.	035-P/2022 dated: 26-04-2022	**Analysis with specifications applied: USP-39** **Dissolution Test:** **Determined:** all the six tablets deviated from the limit. **Limit:** Not less than 75.0% (Q) of the labeled amount of Diclofenac Sodium is Dissolved. **(Does Not Comply with USP-39)** **Result:** The sample is of **Substandard** quality on the basis of tests performed.

ix. Copy of NIH report was sent to M/S Davis Pharmaceutical Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.

2. Drug Inspector requested for grant of permission for prosecution against the persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacturing for sale /sale of Substandard drug**
b. **Issuance of false warranty**

3. Show cause notice(s) issued to accused person(s) dated 17-01-2024.

Reply to show cause notice:

Please refer to the subject cited above. We, M/s Davis Pharmaceuticals (Pvt.) Ltd. (the "Company" or "Davis Pharma") are in receipt of the show cause nouce bearing reference No. PQCB/R-729/2021 dated 17-01-2024 and seek to reply to the same on, inter alia, the following grounds:

I) Davis Pharma is one of the leading national pharmaceutical companies in the country and is engaged in the manufacturing of premium quality pharmaceutical products at its state-of-the-art manufacturing site. The high quality, safety and efficacy of the pharmaceutical products manufactured by the Company is evinced by the fact that the same are being increasingly prescribed by healthcare practitioners across the country and no complaint with respect to the usage of the same has been reported so far. It is essentially in this backdrop that we categorically deny and vehemently refute the findings furnished by the Analyst of the National Institute of Health, Islamabad vide TRA No. 035-P/2022 dated 26-04-2022 (the "NIH Report") wherein our product, namely, enteric coated tablet Davitran DS T865 (the "Product") has allegedly been declared as substandard on account of the Dissolution Test.

II) At the out-set, please note that all our pharmaceutical products are subjected to a stringent testing regime prior to their release in the market and/or supply to the concerned institute. Such exercise is essentially carried out in compliance of our legal as-well as regulatory duties and to ensure that safe, efficacious and high-quality pharmaceutical products are being consumed by the general public. In context of the present case, it may be noted that a similar exercise was carried out and the subject batch i.c., T865 was only released in the market once it was affirmed that the same was of standard quality and in

compliance with the quality parameters prescribed under the applicable specifications. As such, the alleged variation observed by the Analyst has arisen as a result of external factors completely beyond the control of the Company and/or its concerned officials. Even otherwise, we have thoroughly examined our retention records and in-process batches wherein it has transpired that the Product is of standard quality. All tests/procedures including raw data calculations and UV absorbance have been conducted on the retention samples by CR 21 certified UV- Spectrophotometer and the results have been determined at 95.45% which is well within the limits prescribed under the applicable specifications. In light of the reports of the testing conducted upon our retention samples, your good-self is requested to conduct a proper investigation in the present case to determine the extraneous factors that have led to the issuance of the NIH Report.

III) In pursuance thereof, it is submitted that exposure of the Product, more particularly its enteric coating, to high and humid temperature is likely to have led to the observance of the variation in the results of the Dissolution Test. In this regard, the requirements stipulated under Section 32(3) of the Drugs Act, 1976 (the "Drugs Act") have not been dispensed with as no inquiry has been conducted to ascertain whether the Product properly was maintained/stored in accordance with the specified storage conditions. Similarly, no measures have been undertaken to determine the conditions within which the Product was subsequently stored by the concerned government analyst(s) and the drug inspectors dealing with the subject case. In view thereof, your good-self is very kindly requested to conduct a detailed inquiry in the present case to ascertain whether the aforementioned parties were able to store the Product properly since the imposition of any penalty on the Company and/or its officials due to the negligence and carelessness of the third parties shall be violative of the principles of justice and equity.

IV) Even otherwise, the sample of the product has been tested by the Analyst after a considerable time period i.e., five (05) months after the same was tested by the government analyst of the Drug Testing Laboratory, Multan. No proof vis-à-vis the manner in which the same was stored has been brought on record. In addition to the foregoing, improper testing is likely to have caused the sample to not dissolve properly in the dissolution assembly leading to the varied results of the Dissolution Test. As such, the Company cannot be deemed liable for the alleged variation observed in the NIH Report. Even otherwise, please note that the list of external reasons mentioned hereinabove is not exhaustive and the Company reserves the right to agitate additional grounds at the time of hearing and/or arguments.

V) A perusal of the NIH Report reveals that the testing has been carried out by the Analyst improperly and in stark violation of the procedure/protocols prescribed under the USP. It is submitted that the standard solution required for carrying out the Dissolution Test must be prepared practically however the value applied by the Analyst has been derived theoretically which clearly constitutes a violation of the prescribed testing protocols. Further, the Analyst has carried out incomplete testing as the Acid Stage has not been performed in the Dissolution Test and only the Buffer Stage has been performed. Such evident infirmities and illegalities clearly cast a doubt on the veracity of the findings contained in the NIH Report.

VI) It may further be observed that the manner in which the subject case has been dealt with suffers from several infirmities. It is evident that the requirements envisioned under Section 16 and Section 17 of the Drugs Act have not been dispensed with. In the presence of such evident discrepancies, no evidentiary value can be attached to the NIH Report.

VII) As such, in exercise of the powers conferred upon your good-self under the Drugs Act as-well as the Punjab Drug Rules, 2007, your good-self is very kindly requested to look into the violation(s), infirmities and 2. Notwithstanding the foregoing and despite our absolute innocence in the subject case, please note the following information and find attached the relevant documents as per your requirement:

1) Khurram Munaf Managing Director.

ii) Amir Badshah Production In-charge.

ii) Aamir Shahzad Quality Control In-charge.

iv) Drug Manufacturing License.

v) Drug Registration Certificate.

vi) Certificate of Analysis.

vii) Results of the tests conducted upon the retained samples.

3. Accordingly, it is reiterated that we have not contravened the provisions of the Drug Laws and the rules framed thereunder as has been erroneously alleged in the show cause notice under reply. It has always been our mandate to ensure strict adherence with all legal as-well as regulatory stipulations envisioned under the Drug Laws and the rules framed thereunder. Therefore, the initiation of adverse proceedings against us on the basis of the incorrect findings furnished by the Analyst shall be against the principles of fair trial and due process as envisaged under Article 4 and Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.

4. In view thereof, since no case is made out against us, your good-self is very kindly requested to withdraw the show cause notice along with all subsequent proceedings and consign the case to record.

Regards,

4. Personal Hearing notice(s) issued to accused person(s) dated 16-09-2024.

PREVIOUS PROCEEDINGS AND DECISION BY THE BOARD:

PQCB's 285th meeting held on 26-09-2024:

2. Case was considered by the Provincial Quality Control Board under section 11 of the Drug Act 1976 in its **285th Meeting held on 26-09-2024** under the Chairmanship of Secretary, Primary and Secondary Healthcare Department, Punjab (Chairperson PQCB). Mst. Irum Kaukab, Secretary DQCB, Multan attended the meeting online via zoom link. Among the nominated accused persons Aamir Shahzad (QC Head) along with Fatima Zahid (Lawyer) and Fatima Abbas (Advocate) of M/S Davis Pharmaceutical Laboratories, 121, Industrial Triangle Area, Islamabad-Pakistan were present.
3. The case was left-over due to time constraint.

Personal Hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date:07-2021**
- **Exp. Date: 06-2023**
- **Sampling date (Form 4): 02-09-2021**
- **Sent to DTL (Form 6): 03-09-2021**
- **Date of receipt in DTL: 04-09-2021**
- **DTL Report Date (Form 7): 02-11-2021**
- **Time Extension to DTL: report not time barred**
- **DI 1st intimation to firm: 09-11-2021**
- **Retesting request if any: Yes**
- **Fate of Retesting Request: NIH Substandard**
- **Investigation report Dated: 26-06-2023**
- **SCN Permission: 265th meeting dated: 03-08-2023**
- **SCN Issued: 17-01-2024**
- **Reply of the firm Yes**
- **History (3 years) Firm: 08 cases**
- **Product: 03 case**

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 24

PQCB/ R-576/2018

Tehsil Lalian, District Chiniot

Secretary DQCB **Drug Inspector**	1. **M/s Davis Pharmaceutical Laboratories, 121 Industrial Triangle Area, Kahuta Road, Islamabad, Pakistan** through its Chief Executive Officer, Amanullah Sheikh 2. Amanullah Sheikh — Chief Executive Officer 3. Amer Badshah — Production Manager 4. Aamir Shahzad — Quality Control Incharge/ Warrantor of M/s Davis Pharmaceutical Laboratories, 121 Industrial Triangle Area, Kahuta Road, Islamabad, Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of drugs, Tehsil Lalian, District Chiniot reported that: -

i. His predecessor, on 03-11-2018, inspected the business premises of M/s Aslam Medicine, Bangla Road, Lalian Chiniot, took two different types of drug samples on Form No. 04 for the purpose of test/analysis and sent to Drug Testing Laboratory, Faisalabad vide memorandum no. 21648 dated 03-11-2018.

ii. The subject drug sample after test/analysis, was declared **Substandard** by Government Analyst, Drug Testing Laboratory, **Faisalabad** as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report**	**DTL Test Report Result**
Enteric Coated Tablet. Davitran [Each Enteric Coated Tablet Contains Diclofenac Sodium U.S.P. … 50mg] **Mfg Date:** June 2018	123	M/s Davis Pharmaceutical Laboratories, 121 Industrial Triangle Area, Kahuta Road, Islamabad, Pakistan.	TRA No. 01-56000819/DTL dated 27-12-2018	**Results of test/Analysis with specifications applied:** MS/USP 2014 **DESCRIPTION:** Orange colored, round shaped biconvex tablets engraved with l one side packed in ALU-ALU blister of 10 units. **IDENTIFICATION:** Diclofenac Sodium Identified. **ASSAY:** Stated: 50 mg / Tablet Determined: 46.85 mg / Tablet Percentage: 93.71% Limit: 90 - 110% (USP Specifications) **DISSOLUTION TEST: Does not comply with the Manufacturer's Specifi detailed below:**

Expiry Date:

June 2021

Regn No.
026110

Acid Stage:

Tolerance Limit: Not more than 10% for 2 hours.

Level	Number Tested	Acceptance Criteria						Re
A1	6	Not more than 10% for 2 hours.						Co
	After 2 Hours	Unit 1	Unit 2	Unit 3	Unit 4	Unit5	Unit 6	
		3.82%	2.81%	2.75%	3.54%	3.20%	3.37%	

Buffer Stage:

Tolerance Limit: Not less than 75% of the labelled amount of Diclofena dissolved in 45 minutes.

Level	Number Tested	Acceptance Criteria						
B1	6	Not less than 75% of the labelled amount dissolved in 45 minutes.						
	After 45 minutes	Unit 1	Unit 2	Unit 3	Unit 4	Unit5	Unit 6	
		33.69%	**82.08%**	**23.53%**	**28.07%**	**24.06%**	**25.93%**	

NOTE: Percentage release of dug in five out of six units tested at first lev found less than 75% of the labelled amount and furthermore percentage drug among those five units is found less than Q-25% at B1 level. **(D Comply)**

RESULT: Given sample is **Sub-Standard** on the basis of Dissolution Test.

iii. Proprietor of M/s Aslam Medicine, Bangla Road Lalian Chiniot provided Invoice/Warranty No. 19,924 dated 05-09-2018 issued by M/s Hashim Pharma & Distributors 76-N Block X New Satellite Town Sargodha as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/s Hashim Pharma & Distributors 76-N Block X New Satellite Town Sargodha who, in-turn, provided Invoice/ Warranty (Revised) bearing No. 597 dated 18-08-2018 issued by M/s Davis Pharmaceutical Laboratories, 121 Industrial Triangle Area, Kahuta Road, Islamabad, Pakistan.

v. A copy of test/analysis report was sent to M/s Davis Pharmaceutical Laboratories, 121 Industrial

Triangle Area, Kahuta Road, Islamabad, Pakistan with directions to provide the requisite information and to explain their position in this regard. In response, the firm challenged the test/analysis report and requested to re-test the above mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

vi. Pursuant to the request of M/s Davis Pharmaceutical Laboratories, 121 Industrial Triangle Area, Kahuta Road, Islamabad, Pakistan the retesting request of the subject drug sample was considered in the 7th Committee Meeting of the Board held on 10-04-2019 and the subject drug sample was sent to NIH, Islamabad, from where the sample was declared **Sub-standard** as detailed below:

<table>
<tr><th>Name of Drug</th><th>Batch No.</th><th>Name of Manufacturer</th><th>NIH Report No.</th><th>NIH Test Report Result</th></tr>
<tr><td>DAVITRAN Tablets 50mg</td><td>123</td><td>M/S Davis Pharmaceutical Laboratories, 121 Industrial Triangle Area, Kahuta Road, Islamabad, Pakistan.</td><td>0111-P/ 2019 dated 07-05-2019</td><td>
Analysis with specifications applied: USP 39

<u>DESCRIPTION:</u> Orange colored, biconvex coated tablets having inscription “D” on one side where as plain from other side packed in blister packing further contained in an outer carton.

<u>IDENTIFICATION:</u> Diclofenac Sodium Identified.

<u>WEIGHT VARIATION:</u> Complies with USP-39

<u>DISSOLUTION TEST:</u>
<table>
<tr><th></th><th>Determined</th><th>Limit</th></tr>
<tr><td>Acid Stage</td><td>Nil</td><td>Nil</td></tr>
<tr><td rowspan="2">Buffer Stage</td><td>48.43%</td><td>Not less than 75% (Q) of the label amount</td></tr>
<tr><td colspan="2">Five tablets out of six deviated from the limits.</td></tr>
<tr><td colspan="3">Does not comply with USP-39</td></tr>
</table>
<u>ASSAY:</u>
<table>
<tr><th>Assay</th><th>Stated</th><th>Found</th><th>Limit</th><th>Percentage</th></tr>
<tr><td>Diclofenac Sodium</td><td>50mg/ tablet</td><td>50.96mg/ tablet</td><td>90-110%</td><td>101.92%</td></tr>
<tr><td colspan="5">Complies with USP-39</td></tr>
</table>
</td></tr>
</table>

				Result: The sample is of **Sub-Standard** quality on the basis of the tests performed.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

i. **Manufacturing for Sale / Sale of Sub-standard Drug.**
ii. **Issuance of false warranty.**

3. Showcause was issued to accused person(s) vide dated. 12-06-2023

REPLY OF SHOW CAUSE NOTICE

Firm replied to the show cause notice vide letter Reference no. nil dated 26-06-2023 stating that:

Reply to the Show Cause Notice bearing reference No.

PQCB/R-576/2018 dated 12-06-2023.

1. By way of the instant response, we, M/s Davis Pharmaceutical Laboratories ("Company" or "we") seek to show cause as to why any legal action, including but not limited to the initiation of prosecution before the Honorable Drug Court along with the cancellation/suspension of the

Drug Manufacturing License, Drug Sale License and Drug Registration, may not be taken against us for allegedly manufacturing a substandard product, namely, tablet Davitran DS (Diclofenac Sodium 50mg) Batch No. 123 ("Product") in contravention of the Drug Laws and the rules

Framed thereunder.

2. In response to the allegations levelled in the subject show cause notice, we would like to submit as under:

i. We would firstly like to highlight that we employ a stringent testing mechanism in relation to all of our pharmaceutical products; which are only released in the market and/or supplied to the concerned institution(s) once it is established that the same are of standard quality and completely safe for usage. Similarly, the Product was also only released once it was confirmed that the same

Was in compliance with all parameters defined under the requisite specifications i.e., the United States Pharmacopeia ("USP").

ii. The foregoing submission is further substantiated by the results of the investigation conducted upon our retention records and in-process batches wherein it has transpired

That the Product is of standard quality and completely safe for usage. As such, the findings of the Government Analyst(s) of the Drug Testing Laboratory Faisalabad rendered vide TRA No. 01-56000819/DTL dated 27-12-2018 ("DTL Report") and the NIH Report No. 0111-P/2019 dated 07-05-2019 ("NIH Report") are flawed, defective and completely incapable of being relied upon.

iii. In view thereof, the alleged variations observed in the DTL Report and the NIH Report have occurred as a result of following reasons;

a) Failure of the tablet to dissolve completely in the dissolution assembly leading to the alleged variation in the results of the dissolution tests. It is an established scientific fact that increased temperatures of the dissolution media can cause a decreased release rate of diclofenac sodium. In this regard, no investigation has been carried out to ascertain whether appropriate temperatures were maintained whilst testing the Product in the dissolution apparatus.

b) Non-maintenance of the pH of the phosphate buffer by the Government Analyst(s).

3. Even otherwise, as is evident, the entire manner in which the Product has been obtained and tested suffers from grave matter of fact, that illegalities and infirmities. As a warrantor/manufacturer portion was never sent to the Company within the specified timelines envisioned under Section 19 of the Drugs Act, 1976. More so, the Government Analyst of the Drug

Testing Laboratory Faisalabad has tested the Product on the basis of two divergent specifications i.e., USP and Manufacturer Specifications. In this regard, it is clear that such report cannot be

Used as evidence of the facts contained therein and is incapable of being relied upon vis-à-vis the quality of the Product.

4. Additionally, the NIH Report itself suffers from significant discrepancies as the Government Analyst has failed to perform the complete dissolution test. The foregoing fact is evinced by the NIH Report itself wherein it is evident that no testing was carried out at the Acid Stage. As such, since an incomplete testing has been carried out by the Government Analyst, the results obtained

From the same are inconclusive and the same cannot be relied upon to ascertain the quality, safety and efficacy of the Product.

5. Notwithstanding the foregoing and despite the absolute innocence of the Company and its concerned officials in the subject case, please note the following information and find attached the requisite documents as per your requirement:

Khurram Munaf of General Manager Plant Operations

Amir Badshah of the Production In-Charge

Aamir Shahad of Quality Control In-Charge

Drug Manufacturing License.

Drug Registration Certificate.

6. In view thereof, it is submitted that we have not contravened the provisions of the Drug Laws and the rules framed thereunder as has been wrongfully alleged in the show cause notice under reply. It has always been our mandate to ensure strict adherence with all legal as-well as regulatory stipulations envisaged under the relevant laws. As such, since the DTL Report as-well as the NIH

Report entail serious legal as-well as regulatory consequences for us it is essential to critically and carefully peruse the entire record in terms of Section 11(5)(b) of the Drugs Act, 1976 as-

well as

Rule 5 of the Punjab Drug Rules, 2007 to prevent the unlawful and unjust victimization and penalization of the Company and its concerned officials.

7. In view of the foregoing, it is very kindly requested that the subject show cause notice along with all subsequent proceedings may be withdrawn in the interest of justice and the case be consigned to record.

Personnel hearing notice(s) issued to accused person(s) vide dated 11-09-2024

Case is placed before the committee

Summary:

Manufacturing Date: 06-2018

Expiry Date: 06-2021

Sampling Date: 03-11-2018

Sent to DTL (Form 6): 03-11-2018

Date of receipt in DTL: 07-11-2018

DTL Report Date: 21-12-2018

Time Extension: N/A

1ST DI Communication with firm on dated: 03-01-2019

Date of Retesting Request of Firm: 11-01-2019

Fate of Retesting Request: -allowed in 7th CM dated 10-04-2019

Investigation Report Dated: 06-02-2023

History (3 years)	Firm's Reported:09
	Product's Reported: 03

PROCEEDINGS & DECISION BY THE

COMMITTEE:

4. The **44th Committee Meeting** held on **19.09.2024** under the chairmanship of Director General (Drug Control) Convener of Committee, Provincial Quality Control Board, Punjab. Case was considered by the Committee of Provincial Quality Control Board, as empowered by Board under section 11 (6) & (7) of the Drugs Act 1976 in its 258th meeting. Mr. M. Shahzad, Secretary DQCB District Chiniot, attended the meeting online via Zoom Link. No one on behalf of firm appeared before the Committee. Committee after due deliberation & discussion, unanimously decided to **pend the case** and to give another chance of personal hearing to the Firm.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

Subject case was placed before the Board in its **285th meeting held on 26-09-2024**. The above-mentioned case were **left-over** due to time constraints.

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 25

No. PQCB/R-722/2021

Tehsil Kallar Syedan, District Rawalpindi

ATTENDANNo. PQCB/R-722/2021

Tehsil Kallar Syedan, District Rawalpindi

ATTENDANCE

Secretary DQCB **Drug Inspector**	1. **M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan through its Managing Director Khurram Munaf.** 2. Khurram Munaf Managing Director 3. Amir Badshah Production Manager 4. Amir Shahzad Quality Control Manager/Warrantor Of M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Tehsil Kallar Syedan, District Rawalpindi reported that:-

- i. Her predecessor, on 21-12-2020 inspected the premises of M/S Eshaal Pharmacy & Cosmetics, Rawalpindi Road, opposite THQ Hospital Kallar Syedan, District Rawalpindi took samples of subject drug on Form No. 4 for the purpose of test and analysis and sent to Drug Testing Laboratory Punjab, Rawalpindi vide memo No. 0000081024 Dated 26-12-2020.
- ii. The following drug sample, after test/analysis was declared as **Substandard** by Government Analyst, Drug Testing Laboratory Punjab, Rawalpindi as detailed below: -

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report**	**DTL Test Report Result**
Tablet Tizgesic 2mg [Tizanidine (as HCl) 2mg] **Mfg. Date**: 10-2020 **Exp. Date**: 09-2022 **Reg** # 089589	T589	M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-	01-74000322/ DTL dated: 26 Feb 2021	**Result of test/ analysis with specifications applied:** USP2020 **PHYSICAL DESCRIPTION:** Green coloured, round shaped, biconvex tablet, engraved “D” on one side and plain from other side, packed in Alu-Alu blister of 1x10’s tablets, further packed in labelled outer carton. DISSOLUTION TEST: Result: All units comply the dissolution test at S1. Limit: NLT 85% (Q+5%), 15min

				IDENTIFICATION: Tizanidine HCl identified **ASSAY** Stated: 20mg/Tablet Determined: 1.589mg/Tablet Percentage **79.45%** **(Does not Comply)** Limit: 90-110% **RESULT:** **The above sample is SUB-STANDARD on the basis of Assay test performed.**

- iii. M/S Eshaal Pharmacy & Cosmetics, Rawalpindi Road, opposite THQ Hospital Kallar Syedan, District Rawalpindi provided warranty/invoice No. 7237 dated 18-12-2020 issued by M/S Medocal Distributors H CB 2005, Street no. 28, Dhoke Syedan Road, Kamalabad, Rawalpindi who in turn provided invoice/warranty No. 16234 dated 18-12-2020 issued by M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad.
- iv. Warrantor Portion was sent to M/S Medocal Distributors H CB 2005, Street no. 28, Dhoke Syedan Road, Kamalabad, Rawalpindi.
- v. A copy of Test/ Analysis reports was sent to M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad, with directions to explain their position and provide requisite information in this regard. In response, firm requested for retesting of sample.
- vi. Pursuant to the retesting request of the firm, sample was sent to Appellate Laboratory, National Institute of Health (NIH), Islamabad from where the sample was declared substandard.

Name of Drug	**Batch No.**	**Name of Manufacturer**	**Test Report No.**	**Details of Result of Test/analysis** **(With protocols of test applied)**
Tablet Tizgesic 2mg	T-589	M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan	014-P/2022 dated: 2nd March 2022	**Reference: USP-39** **Description:** **Light green coloured, biconvex tablets having inscription "D" on one side whereas plain from other side packed in blister packing contained in an outer carton.** **Identification:** **Tizanidine HCl identified.** **Assay:**

Tizanidine HCl	**Stated:**	**Found:**	**Limit:**	**Percentage:**
	2mg/tablet	1.415mg/tablet	90-110%	70.78%

DOES NOT COMPLY WITH USP-39

RESULT:

The above sample is SUB-STANDARD quality on the basis of tests performed.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

- **i. Manufacturing for Sale / Sale of Sub-standard Drug.**
- **ii. Issuance of false warranty.**

3. Showcause was issued to accused person(s) vide dated 19-04-2023

Personnel hearing notice(s) issued to accused person(s) vide dated 13-09-2024.

Case is placed before the Board.

Sr. No.	Summary of the Case	
1	**Sampling Date (Form 4)**	21-12-2020
2	**Sample Sent to DTL (Form-6)**	26-12-2020
3	**Receipt Date in DTL**	28-12-2020
4	**Issuance of DTL Report**	26-02-2021
5	**Time Extension**	N/A
6	**DI First Communication with Firm**	30-07-2021
7	**Retesting Request**	05-08-2021
8	**Investigation Report by DI**	20-02-2023

9	**Show Cause Notice Issued**	19-04-2023
10	**History (3 years)**	Firm's reported: 09
		Product reported: 01

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

Subject case was placed before the Board in its **285th meeting held on 26-09-2024**. The above-mentioned case were **left-over** due to time constraints.

PROCEEDINGS & DECISION BY THE BOARD:CE

Secretary DQCB **Drug Inspector**	1. **M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan through its Managing Director Khurram Munaf.** 2. Khurram Munaf Managing Director 3. Amir Badshah Production Manager 4. Amir Shahzad Quality Control Manager/Warrantor Of M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Tehsil Kallar Syedan, District Rawalpindi reported that:-

i. Her predecessor, on 21-12-2020 inspected the premises of M/S Eshaal Pharmacy & Cosmetics, Rawalpindi Road, opposite THQ Hospital Kallar Syedan, District Rawalpindi took samples of subject drug on Form No. 4 for the purpose of test and analysis and sent to Drug Testing Laboratory Punjab, Rawalpindi vide memo No. 0000081024 Dated 26-12-2020.
ii. The following drug sample, after test/analysis was declared as **Substandard** by Government Analyst, Drug Testing Laboratory Punjab, Rawalpindi as detailed below: -

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report**	**DTL Test Report Result**
Tablet Tizgesic 2mg [Tizanidine (as HCl) 2mg] **Mfg. Date**: 10-2020 **Exp. Date**: 09-2022	T589	M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-	01-74000322/ DTL dated: 26 Feb 2021	**Result of test/ analysis with specifications applied:** USP2020 **PHYSICAL DESCRIPTION:** Green coloured, round shaped, biconvex tablet, engraved "D" on one side and plain from other side, packed in Alu-Alu blister of 1x10's tablets, further packed in labelled outer carton. DISSOLUTION TEST: Result: All units comply the dissolution test at S1.

Reg # 089589				Limit: NLT 85% (Q+5%), 15min **IDENTIFICATION:** Tizanidine HCl identified **ASSAY** Stated: 20mg/Tablet Determined: 1.589mg/Tablet Percentage **79.45%** **(Does not Comply)** Limit: 90-110% **RESULT:** **The above sample is SUB-STANDARD on the basis of Assay test performed.**

iii. M/S Eshaal Pharmacy & Cosmetics, Rawalpindi Road, opposite THQ Hospital Kallar Syedan, District Rawalpindi provided warranty/invoice No. 7237 dated 18-12-2020 issued by M/S Medocal Distributors H CB 2005, Street no. 28, Dhoke Syedan Road, Kamalabad, Rawalpindi who in turn provided invoice/warranty No. 16234 dated 18-12-2020 issued by M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad.

iv. Warrantor Portion was sent to M/S Medocal Distributors H CB 2005, Street no. 28, Dhoke Syedan Road, Kamalabad, Rawalpindi.

v. A copy of Test/ Analysis reports was sent to M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad, with directions to explain their position and provide requisite information in this regard. In response, firm requested for retesting of sample.

vi. Pursuant to the retesting request of the firm, sample was sent to Appellate Laboratory, National Institute of Health (NIH), Islamabad from where the sample was declared substandard.

Name of Drug	**Batch No.**	**Name of Manufacturer**	**Test Report No.**	**Details of Result of Test/analysis** **(With protocols of test applied)**
Tablet Tizgesic 2mg	T-589	M/s Davis Pharmaceuticals Laboratories 121, Industrial Triangle Area, Islamabad-Pakistan	014-P/2022 dated: 2nd March 2022	**Reference: USP-39** **Description:** **Light green coloured, biconvex tablets having inscription "D" on one side whereas plain from other side packed in blister packing contained in an outer carton.** **Identification:** **Tizanidine HCl identified.** **Assay:**

Tizanidine	**Stated:**	**Found:**	**Limit:**	**Percentage:**

				HCl	2mg/tablet	1.415mg/tablet	90-110%	70.78%	
				DOES NOT COMPLY WITH USP-39					
				RESULT:					
				The above sample is SUB-STANDARD quality on the basis of tests performed.					

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

i. **Manufacturing for Sale / Sale of Sub-standard Drug.**
ii. **Issuance of false warranty.**

3. Showcause was issued to accused person(s) vide dated 19-04-2023

Personnel hearing notice(s) issued to accused person(s) vide dated 13-09-2024.

Case is placed before the Board.

Sr. No.	Summary of the Case	
1	**Sampling Date (Form 4)**	21-12-2020
2	**Sample Sent to DTL (Form-6)**	26-12-2020
3	**Receipt Date in DTL**	28-12-2020
4	**Issuance of DTL Report**	26-02-2021
5	**Time Extension**	N/A
6	**DI First Communication with Firm**	30-07-2021
7	**Retesting Request**	05-08-2021
8	**Investigation Report by DI**	20-02-2023
9	**Show Cause Notice Issued**	19-04-2023
10	**History (3 years)**	Firm’s reported: 09

		Product reported: 01

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

Subject case was placed before the Board in its **285th meeting held on 26-09-2024**. The above-mentioned case were **left-over** due to time constraints.

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 26

PQCB/R-929/2021

DHQ Hospital Khushab

ATTENDENCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Bosch Pharmaceuticals (Pvt) Ltd. 221, Sector 23, Korangi Industrial Area, Karachi-Pakistan,** through its Chief Executive Officer/ Warrantor, Shaikh Mohiuddin Chawla 2. Shaikh Mohiuddin Chawla — Chief Executive Officer/ Warrantor 3. Faheem Ahmed Siddiqui — Production In-charge 4. Muhammad Irfan — Quality Control In-charge Of M/s Bosch Pharmaceuticals (Pvt) Ltd. 221, Sector 23, Korangi Industrial Area, Karachi-Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, DHQ Hospital Khushab reported that: -

i. The then drug Inspector, on 23-09-2021 inspected the medicine store DHQ Hospital Khushab, took subject drug sample on Form No. 4 for the purpose of test/analysis and sent to Drug Testing Laboratory, Rawalpindi vide memo no. 107628 dated 23-09-2021.
ii. Following drug sample, after test/analysis was declared as **Substandard by** Government Analyst, Drug Testing Laboratory, **Rawalpindi** as detailed below: -

<table>
<tr><th>Name of Drug</th><th>Batch No.</th><th>Name of Manufacturer</th><th>DTL Report</th><th>DTL Test Report Result</th></tr>
<tr><td>Film coated tablet Calamox [amoxicillin Trihydrate eq to Amoxicillin…500mg, Clavulanate Potassium eq to Clavulanic acid …125mg]

Mfg. Date:</td><td>C211001</td><td>M/s Bosch Pharmaceuticals (Pvt) Ltd. 221, Sector 23, Korangi Industrial Area, Karachi-Pakistan</td><td>01-75002405/DTL

Dated: 23-12-2021</td><td>Specs Applied USP 2021

<u>PHYSICAL DESCRIPTION:</u>

White coloured oblong shaped biconvex tablets plain from both sides packed in Alu/Alu blister of 1x6’s further packed in labelled outer carton.

<u>IDENTIFICATION</u> Amoxicillin trihydrate and Clavulanate Potassium identified.

<u>ASSAY:</u>
<table>
<tr><th>Name</th><th>Stated</th><th>Determined</th><th>Percentage</th><th>Limit</th></tr>
<tr><td>Amoxicillin</td><td>500mg/tablet</td><td>521.730mg/tab</td><td>104.35%</td><td>90-</td></tr>
</table>
</td></tr>
</table>

6-2021

Exp. Date:

5-2023

				120%
Clavulanic Acid	125mg/tablet	131.775mg/tab	105.42%	90-120%

DISSOLUTION TEST: (USP Test 2)

Amoxicillin: 45mins, clavulanic acid: 30mins, Apparatus 2.

Amoxicillin: Limit: NLT 85% (Q) of labelled amount of Amoxicillin

Table no.	Percent Drug Release	Table no	Percent Drug Release
1	97.87%	4	97.90%
2	97.49%	5	91.10%
3	91.65%	6	94.06%

Result: All the units release complies dissolution testing

Clavulanic acid: Limit: NLT 80% (Q) of labelled amount of Clavulanic acid

Table no.	Percent Drug Release	Table no	Percent Drug Release
1	105.89%	4	106.84%
2	2**7.52**%	5	104.20%
3	108.04%	6	**28.50**%

Result: Fail to comply dissolution testing for clavulanic acid as two units release was less than specified limit

Note: Dissolution testing for sample was not proceeded to S_2 and S_3 as acceptance criteria for S_3 does not meet during dissolution testing at S_1 as release of two units was less than 55% (Q-25%)

Limit for S_3: Average of 24 units (S_1 +S_2 + S_3) is ≥ Q (80%), NMT 2

				units are < Q-15 (60%) and no unit is < Q-25% (55%) **RESULT:** The above sample is **Sub-standard,** on the basis of the Dissolution test performed

iii. Storekeeper medicine store DHQ Hospital Khushab provided invoice/warranty No. 21120600048C dated 26-06-2021 issued by M/S Bosch Pharmaceuticals (Pvt) Ltd. 221, Sector 23, Korangi Industrial Area, Karachi-Pakistan as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/S Bosch Pharmaceuticals (Pvt) Ltd. 221, Sector 23, Korangi Industrial Area, Karachi-Pakistan.

v. A copy of test/analysis report was sent to M/S Bosch Pharmaceuticals (Pvt) Ltd. 221, Sector 23, Korangi Industrial Area, Karachi-Pakistan with directions to explain their position and provide requisite information in this regard.

2 Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacture for sale/Sale of Substandard drug**
b. **Issuance of false warranty**

3 Show-cause /personal hearing notice(s) issued to the accused persons(s)

Summary	
Sampling Date (Form 4):	23-09-2021
Sent to DTL (Form 6):	23-09-2021
Date of receipt in DTL	30-09-2021
DTL Report Date (Form 7):	23-12-2021 (time barred)
Time Extension granted	236-M dated 15-12-2021
1st DI Communication with firm dated	29-12-2021
Date of Retesting Request of Firm:	No
Fate of Retesting request	N/A
Investigation Report Dated	27-07-2024

Firm History 3 years	**Firm: 18** **Product: 4**

PREVIOUS PROCEEDING & **DECISION BY THE BOARD:**

4 Subject case was placed before the Board in its **285th meeting held on 26-09-2024**. The above-mentioned case was **left-over** due to time constraints.

5 Personal hearing notice(s) issued to the accused persons(s)

CURRENT PROCEEDING & **DECISION BY THE BOARD:**

Case No. 27

PQCB/ MSS-201144/2024

Children's Hospital & The Institute of Child Health, District Lahore

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Bosch Pharmaceutical (Pvt) Ltd. 209/23, Korangi Industrial Area Karachi, Pakistan** through its Managing Director/ Warrantor, Shaikh Mohiuddin Chawla 2. Shaikh Mohiuddin Chawla Managing Director / Warrantor 3. Dr. Amir Shadmani Production Incharge 4. Imran Ali Qureshi Quality Control Incharge 5. Inamuddin Qureshi Quality Assurance Incharge of M/s Bosch Pharmaceutical (Pvt) Ltd. 209/23, Korangi Industrial Area Karachi, Pakistan.

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Children's Hospital & The Institute of Child Health, District Lahore reported that: -

i. He, on 20-06-2024, inspected the premises of Central Pharmacy, Children Hospital & The Institute of Child Health, Lahore, took following drug sample on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Lahore vide memorandum no. 201144 dated 20-06-2024.
ii. The subject drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Lahore**, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
Injection. STERILE WATER FOR INJECTION 10ML U.S.P (BOSCH) [STERILE WATER FOR INJECTION U.S.P 10ML] **Mfg Date** May 2024	WI240368	M/s Bosch Pharmaceutical (Pvt) Ltd. 209/23, Korangi Industrial Area Karachi, Pakistan.	01-10194007902/DTL dated 19-07-2024	**Analysis with specifications applied:** USP 2024 **PHYSICAL DESCRIPTION:** Colorless liquid in sealed transparent glass ampoule with label printed on it. Claimed volume= 10mL **EXTRACTABLE VOLUME** Claimed Volume: 10mL Determined Volume: 10mL Limit: Not less than Nominal volume **CONDUCTIVITY:**

Expiry Date May 2028 **Regn No.** 073420				Limit: NMT 25 µS/cm at 25±1°C Result: **Unit 1= 51.5 µS/cm at 25.0°C** Unit 2= 20.4 µS/cm at 24.3°C **Unit 3= 49.2 µS/cm at 24.4°C** **Unit 4= 46.9 µS/cm at 24.9°C** **(Does not comply)** **STERILITY:** The sample is sterile. (Complies) **RESULT:** The above sample is **SUB-STANDARD**, on the basis of Water Conductivity Test performed as per USP.

iii. The Medical Director Children Hospital, District Lahore provided delivery challan/warranty bearing No. 21P24-2284 dated 29-05-2024 issued by M/s Bosch Pharmaceutical (Pvt) Ltd. 209/23, Korangi Industrial Area Karachi, Pakistan.

iv. Warrantor portion of the drug sample was sent to M/s Bosch Pharmaceutical (Pvt) Ltd. 209/23, Korangi Industrial Area Karachi, Pakistan.

v. A copy of test/analysis report was sent to M/S Bosch Pharmaceutical (Pvt) Ltd. 209/23, Korangi Industrial Area Karachi, Pakistan with directions to explain their position and provide requisite information in this regard.

2. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/ Sale of Substandard drug**

b. **Issuance of false warranty**

3. Show-cause notice(s) issued to accused person(s) dated 09-09-2024

<u>Firm replied to the show cause notice vide letter no. SCMRA&Os/221-223/18092024/A dated 18-09-2024</u>

With reference to your Show Cause Notice No. PQCB/MSS-201144/2024, dated 09-09-2024, addressing to M/s. Bosch Pharmaceuticals (Pvt.) Ltd. Karachi, Chief Executive Officer, Production Incharge, Quality Control Incharge and Warrantor regarding above cited subject received on 18-09-2024 against test report No. TRA/01-10194007902/DTL, dated: 19-07-2024, by the Government Analyst, Drugs Testing Laboratory, Lahore purporting to declare sample of Sterile Water for Injection 10 ml, Batch No. W1240368, as Sub-standard by the Government

Analyst Drug Testing Laboratory, Lahore.

As required, we submit our explanation as follows: -

When using a conductivity meter, you need to pay attention to the following important items:

*1. **Instrument operation:** Before using the conductivity meter, please read and understand the operation guide in the user manual carefully. Make sure the instrument is operating correctly and that measurements and calibrations are being made as directed.*

*2. **Electrode Protection:** Protects the electrodes of the conductivity meter from damage and contamination. Before and after use, clean the electrodes to remove buildup and ensure the electrodes are in good working order. Avoid contacting the electrode with sharp objects, and avoid exposing the electrode to corrosive solutions or high temperatures.*

*3. **Calibration:** Regularly calibrate your conductivity meter to ensure accurate measurements. Follow the instrument's calibration procedure and use a standard solution of known conductivity value for calibration. The calibration frequency can be adjusted according to the frequency of use and requirements.*

*4. **Temperature compensation:** Conductivity is affected by temperature, so temperature compensation should be carried out in the measurement. Make sure the conductivity meter has a temperature sensor and perform temperature compensation according to the instrument instructions. According to needs, you can choose automatic or manual temperature compensation function.*

*5. **Avoid Interference:** Avoid the interfering factors associated with conductivity measurements. This includes avoiding exposure to strong electromagnetic fields and sources of vibration, as well as avoiding interference from other chemicals. When measuring, make sure that the sample container is clean and free from external contamination.*

***Storage and Maintenance:** Store the conductivity meter properly when not in use. Follow the manufacturer's recommendations for regular instrument maintenance. This includes cleaning the instrument, replacing electrodes or maintenance parts, and periodically calibrating the instrument.*

*7. **Safe operation:** When using the conductivity meter, follow the relevant safety operating procedures. Ensure*

proper use and handling of chemicals, avoid risk of electric shock, and observe safety precautions when using and disposing of the conductivity meter.

Please note that the above are general precautions, and the specific precautions for use may vary with different models and manufacturers of conductivity meters. Therefore, before using the conductivity meter, please refer to the instruction manual and the manufacturer's instructions, and strictly follow their recommendations and requirements.

8. That despite the above observations and precaution before and during the conductivity we have as an abundant precaution rechecked and retested our reference laboratory sample and warrantor portion and have found the same to be of proper quality and within the limits of a Standard Quality.

9. We attach herewith the test report of the test /analysis carried out by us at the time of manufacturing along with readings and data based whereon the proper and correct results have been obtained.

S. No.	***Test***	***Results on Retention Sample***	***Results on Warrantor Portion***	***Results of DTL Lahore***
Unit 1	*Conductivity*	*6.27 µS/cm at 25.0°C*	*6.31 µS/cm at 25.0°C*	***51.5 µS/cm at 25.0°C***

Unit 2	*Conductivity*	*6.56 µS/cm at 25.0°C*	*6.24 µS/cm at 25.0°C*	*20.4 µS/cm at 24.3°C*
Unit 3	*Conductivity*	*6.05 µS/cm at 25.0°C*	*6.30 µS/cm at 25.0°C*	***49.2 µS/cm at 24.4°C***
Unit 4	*Conductivity*	*6.30 µS/cm at 25.0°C*	*6.24 µS/cm at 25.0°C*	***46.9 µS/cm at 24.9°C***
		Limit: N.M.T 25 µS/cm at 25.0°C AS PER USP		

4. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024

5. Cases are placed before the Board for decision.

Sr. No.	Summary of the Case	
1	**Sampling Date (Form 4)**	20-06-2024
2	**Sample Sent to DTL (Form-6)**	20-06-2024
3	**Receipt Date in DTL**	21-06-2024
4	**Issuance of DTL Report**	19-07-2024
5	**Time Extension**	Not Time Barred
6	**DI First Communication with Firm**	15-08-2024
7	**Retesting Request**	No
9	**Investigation Report by DI**	24-08-2024
10	**SCN Permission**	281-M (06-06-2024)
11	**Show Cause Notice Issued**	09-09-2024
12	**Reply of Firm to Show Cause Notice**	18-09-2024
13	**History (3 years)**	Firm’s Reported: 16

		Product’s Reported: 1 (Subject Case)

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 28

PQCB R-659/2022

Central Medical Store, Punjab Social Security Health Management Company Hospital, Muzaffargarh

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/s Bosch Pharmaceuticals (Pvt.) Ltd. 221, Bosch House, Sector-23, Korangi Industrial Area, Karachi-**Pakistan through its Chief Executive Officer/ Managing Director S. M. Chawla 2. S. M. Chawla Chief Executive Officer/ Managing Director/ Warrantor 3. Muhammad Ishaq Production In-charge 4. Muhammad Irfan Quality Control Manager Of **M/s Bosch Pharmaceuticals (Pvt.) Ltd. 221, Bosch House, Sector-23, Korangi Industrial Area, Karachi-Pakistan.**

i. He, on 28-07-2022, inspected the Central Medical Store, Punjab Social Security Health Management Company Hospital, Muzaffargarh, Near Thal Jute Mills and took a drug sample on Form No. 4 for the purpose of test/analysis and sent to Drug Testing Laboratory, Multan vide memo no. 134961 dated 28-07-2022.

ii. Following drug samples, after test/analysis was declared as **Substandard** by Government Analyst, Drug Testing Laboratory, **Multan** as detailed below:

Name of drug	Batch no.	Name of manufacturer	DTL Report No. & Date	DTL Test Report Results
Injection Gentic 40mg [Each 1ml ampoule contains: Gentamicin Sulphate eq. to Gentamicin Base…40mg] **Mfg. date:** **04-2022** **Exp. date:** **03-2025**	G220049	M/s Bosch Pharmaceuticals Pvt Limited, 209, Sector 23, Korangi Industrial Area Karachi-Pakistan.	TRA No.01-94004894/DTL dated:14-11-2022	**Analysis with specifications applied: USP-2022** **Description:** Clear, Colorless liquid filled I transparent glass ampoule with blue printed label & blue colored neck ring in labeled outer har carton. 05 ampoules of 1ml holding in beehives are packed in a unit outer hard carton i.e., (1ml* 05 Ampoules) **Extractable Volume:** Limit: NLT stated Determined: 1.04ml **(Complies)** **pH:** Range: 3.0-5.5 Determined: **2.79 (Does not Comply)** **Identification:**

<table>
<tr>
<td>Reg# 015910</td>
<td></td>
<td></td>
<td></td>
<td>Gentamicin Sulphate identified.

<u>Assay:</u>

Gentamicin

<table>
<tr><td>Stated</td><td>40mg/ml</td></tr>
<tr><td>Determined</td><td>41.64mg/ml</td></tr>
<tr><td>Percentage</td><td>104.10%</td></tr>
<tr><td>Limit</td><td>90-125%</td></tr>
</table>

<u>Sterility:</u> It conforms to sterility test.

<u>Result</u>: The sample is <u>Substandard</u> on the basis of pH test.</td>
</tr>
</table>

iii. Store keeper, Punjab Social Security Health Management Company Hospital, Muzaffargarh provided invoice/ warranty No. 1311, dated: 26-07-2022, issued by M/S Medi-Cas International, H. No. 303, L-Block, Model Town, Lahore, as a proof of purchase.

iv. Warrantor Portion of subject drug sample was sent to M/S Medi-Cas International, H. No. 303, L-Block, Model Town, Lahore.

v. M/S Medi-Cas International, H. No. 303, L-Block, Model Town, Lahore in turn provided invoice/ warranty No. 2312080331 dated 24-07-2022 issued by M/s Bosch Pharmaceuticals Pvt. Limited, 209, Sector 23, Korangi Industrial Area Karachi-Pakistan., as a proof of purchase. A Copy of Test/ Analysis report was sent to M/s Bosch Pharmaceuticals Pvt. Limited, 209, Sector 23, Korangi Industrial Area Karachi-Pakistan and they were directed to explain their position and provide the requisite information in this regard. Case was placed at the agenda of PQCB 272nd meeting dated 22-11-2023 and the Board decided to send the sample to National Institute of Health, Islamabad.

vi. Pursuant to the decision of the Board, the PQCB portion of the drug sample was sent to Appellate Laboratory, National Institute of Health, Islamabad. The sample was declared Substandard from NIH as detailed below:

Name of drug	**Batch No.**	**Name of manufacturer**	**NIH Report No. & Date**	**Results of DTL Report**
Gentic Injection 40/mg/ml	G220049	M/s Bosch Pharmaceuticals Pvt Limited, 209, Sector 23, Korangi Industrial Area Karachi-Pakistan	0110-P/2024 dated 11-07-2024	**Specs Applied: USP-2022** **<u>pH:</u>** Determined: 7.4 ± 0.06 Limit: 3.0-5.5 **Does not comply with USP-2022** **<u>RESULT</u>:** <u>The sample is of **"Sub-Standard"** quality on the basis of test performed.</u>

2. Drug Inspector requested for grant of permission for prosecution against the above- accused persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

a. **Manufacturing for sale/ Sale of Substandard drug**

b. **Issuance of false warranty**

3. Revise- Show-cause notice issued to accused person(s).

Personal Hearing notice issued to accused person(s).

Sr.	**Summary of the case**	
1.	**Date of sampling**	28-07-2022
2.	**Sent to DTL**	28-07-2022
3.	**Date of receipt in DTL**	29-07-2022
4.	**Issuance of DTL Report**	14-11-2022
5.	**Time Extension**	251st meeting dated 20-10-2022
6.	**1st DI Communication with firm**	**06-02-2023**
7.	**Retesting Request**	No. (sample was sent to NIH I n regular Board meeting dated 22-11-2023).
8.	**Fate of retesting request**	Substandard
9.	**Investigation Report of DI**	16-09-2024
10.	**Permission of SCN**	285th meeting dated 26-09-2024
11.	**SC/PH Notice Issued**	22-10-2024
12.	**Reply of the firm**	Not received
13	**History (3 years)**	16 cases of the firm 1 case of the product

Case is placed before the Board for decision.

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 29

PQCB/R-595/2021

Tehsil Kamoke District Gujranwala

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Batala Pharmaceuticals, 23/B small industrial estate no. 2, near wapda town, Khiali bypass, Gujranwala** through its Chief Executive Officer Rana Muhammad Yousaf 2. Rana Muhammad Yousaf — Chief Executive Officer 3. Muhammad Umer Shakir — Production In-charge 4. Hafiz Shabbir Ahmad — Quality Control In-Charge/ Warrantor of **M/S Batala Pharmaceuticals, 23/B small industrial estate no. 2, near wapda town, Khiali bypass, Gujranwala.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of drugs Tehsil Kamoke, District Gujranwala reported that :-

i. His Predecessor, on 17-12-2020, inspected the premises of M/s Bilal Medical Store Wahndo, Tehsil Kamoke, District Gujranwala and took sample of two different types of drugs on Form No.04 for the purpose of test/analysis and sent the sample to Drug Testing Laboratory, Faisalabad vide memo number 79993 dated 17-12-2020.

ii. One out of two drug samples, after test/analysis, was declared **Substandard** by Government Analyst, Drug Testing Laboratory, **Faisalabad** as detailed below:

Name of drug	**Batch No.**	**Name of manufacturer**	**DTL Report TRA No. & Date**	**Results of DTL Report**
Tablet. Tizodine [Each Tablet contains:Tizanidine (as HCl)USP…2mg] **Mfg. Date** 02-2020 **Expiry Date:** 01-2023 **Reg No.** 043718	7659	M/S Batala Pharmaceuticals, 23/B small industrial estate no. 2, Gujranwala.	TRA No. 01-68006480/DTL Dated: 13-02-2021	**Specifications of Test Applied:** USP 2020 **Description:** White color, round, bevel edged and biconvex embossed with “Batala” and line mark on one side while the other side is plain contained in ALU-PVC blister of 10’s packed in outer hard carton. **Note:** Manufacturer specify “**Light Yellow colored tablets**” but given sample contains “**White color tablets**” which does not comply with manufacturer’s description regarding physical appearance of tablet. **(Does not comply).** **Identification:**

				Tizanidine HCL is identified. **Assay:** Stated: 2mg Tizanidine/ Tablet Determined: 2.079 mg/ Tablet Percentage: 103.932 % (Complies) Limit: 90-110% (USP 2020) **Result:** Given sample is **Sub-standard** with regards to physical appearance of Tablet.

iii. M/s Bilal Medical Store Wahndo, Tehsil Kamoke, District Gujranwala, provided invoice/ warranty/ bill no. 5571 dated 09-03-2020 issued by M/S Batala Pharmaceuticals, 23/B small industrial estate no. 2, Gujranwala as a proof of its purchase of the said drug.

iv. Warrantor portion of the drug sample was sent to M/S Batala Pharmaceuticals, 23/B small industrial estate no. 2, Gujranwala.

v. A copy of test report of the drug sample was sent to M/S Batala Pharmaceuticals, 23/B small industrial estate no. 2, Gujranwala with directions to provide the requisite information and to explain their position in this regard. In response, the firm requested for retest/ analysis of the drug sample.

vi. The retesting request of the firm was placed at the agenda of PQCB 242nd meeting dated 14-04-2022 and the Board accepted the appeal of the firm to withdraw the request of retesting.

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976/ DRAP Act 2012 and Rules framed there under by the way of :-
    i. **Manufacture for sale/ Sale of Substandard drug**
    ii. **Issuance of false warranty**
3. Show cause notice(s) issued to accused person(s) on 31-10-2022.

<u>Firm submitted written reply to the Show Cause Notice vide letter no. BP-03341/2022 dated 10-11-2022</u>

Respected Sir.

With reference to your letter No: PQCB/R-595/2021 dated 31/10/2022.

It is hereby stated that the physical appearance of our registered product Tizodine 2mg Tablet registration No. 043718, was Light Yellow. As the physical appearance of Raw material of Tizanidine 2HCl is White or Yellowish White (Copy of official monograph attached), as the colour of the Raw Material has a great impact on the physical appearance of the finished product.

We have two Approved Vendors for Tizanidine Raw material named "Symed lab Limited India" and "Viswa laboratories Pvt. Limited India". The physical appearance of Raw material of Symed lab limited is "Slightly yellow crystalline powder (COA attached) where as the physical appearance of Viswa lab is almost white crystalline powder (COA attached).

So therefore we have requested Drug Regulatory of Pakistan to please change the specification for the physical appearance of our product Tizodine 2ung Tablet registration No. 043718 from light yellow to white or light yellow due to physical appearance of Tizanidine HCl active

Raw Material.(copy attached).

So therefore we request you to withdraw the case.

The required documents are attached herewith,

¿ Name & Address of Chief Executive.

Rana Muhammad Yousaf S/O Muhammad Ashraf

¿ Name & Address of Production Manager: Muhammad Umer Shakir S/O Abdul Sattar

Name & Address of Quality Control & Warrantor. Hafiz Shabbir Ahmad S/O Ghulam Hussain

¿ Drug Manufacturing License copy Attached

Drug Registration Certificate Attached

¿ Copy of CNIC(s) Attached

¿ Approval Letter of Technical Staff Attached

4. Personal hearing notice(s) issued to accused person(s) dated 16-09-2024.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

285th meeting dated 26-09-2024:

5. The case was left-over due to time constraints.
6. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date: 02-2020**
- **Exp. Date: 01-2023**
- **Sampling date (Form 4): 17-12-2020**
- **Sent to DTL (Form 6): 17-12-2020**
- **Date of receipt in DTL: 22-12-2020**
- **DTL Report Date (Form 7): 13-02-2021**
- **DI 1st intimation to firm: 02-04-2021**
- **Retesting request if any: Yes dated 06-04-2021**
- **Fate of Retesting: 242nd meeting dated 14-04-2022 where Board accepted the appeal of the firm to withdraw the request of retesting.**
- **Investigation report Dated: 20-05-2023**
- **Permission of SCN: 250th meeting dated 22-09-2022**
- **SCN Issued: 31-10-2022**
- **Reply of the firm: Yes**
- **History (2021 onwards): Firm: 08 cases**
- **Product: 01 case**

Case No. 30

No. PQCB/R-356/2022

Tehsil Samundri, District Faisalabad

ATTENDANCE

Secretary DQCB **Drug Inspector**	1. **M/s Batala Pharmaceuticals (Pvt.) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan** through its Chief Executive Officer, Rana Muhammad Yousaf 2. Rana Muhammad Yousaf Chief Executive Officer 3. Umar Shakir Production Manager 4. Shabbir Ahmad Quality Control Manager/ Warrantor of M/s Batala Pharmaceuticals (Pvt) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan.

BRIEF FACTS OF THE CASE

Provincial Inspector of drugs, Tehsil Samundri, District Faisalabad reported that: -

i. His predecessor, on 08-12-2021, inspected the business premises of M/s Muneeb Pharmacy, situated at Mamukanjan Road Ada Mureedwala, Tehsil Samundri, District Faisalabad, took two different types of drug samples on Form No. 04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory, Faisalabad vide memorandum no. 112982 dated 15-12-2021.
ii. The subject drug sample after test/analysis, was declared **Substandard** by Government Analyst, Drug Testing Laboratory, **Faisalabad** as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	DTL Report	DTL Test Report Result
Enteric Coated Tablet. Bisacodyl [Each sugar/enteric coated tablet contains: Bisacodyl B.P. …. 5mg] **Mfg Date:** May 2021 **Expiry**	9699	M/s Batala Pharmaceuticals (Pvt) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan.	01-68012892/DTL dated 10-02-2022	**Results of test/Analysis with specifications applied:** BP 2022 **DESCRIPTION:** Orange colored, round, biconvex tablets, plain on both packed in Alu/PVC blister pack of 10 units. **IDENTIFICATION:** Bisacodyl is identified. **ASSAY:** Stated: 5 mg / Tablet Determined: 4.399 mg / Tablet Percentage: **87.980% (Does Not Comply)** Limit: 95 - 105% (BP 2022) **DISSOLUTION TEST: Does Not Comply** with the BP's Specificatio

Date:

Apr 2023

Regn No.
057480

detailed below:

Acid Stage:

Tolerance Limit: The amount of Bisacodyl released is not more than 5
the stated amount of Bisacodyl in 2 Hours in 500ml of 0.1M HCl, in App
1 at 100rpm.

Level	Number Tested	Acceptance Criteria						Remarks
A1	6	No individual value exceeds 5% dissolved						Complies
	After 2 Hours	Unit 1	Unit 2	Unit 3	Unit 4	Unit5	Unit 6	
		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Buffer Stage:

Tolerance Limit: The amount of Bisacodyl released is not less than 75
of the stated amount of Bisacodyl in 60 minutes, in 900ml of 7.5 pH buf
Apparatus 2 at 100rpm.

Level	Number Tested	Acceptance Criteria						Rem
B1	6	No unit is not less than Q+5%						Doe Not Con
	After 60 minutes	Unit 1	Unit 2	Unit 3	Unit 4	Unit5	Unit 6	
		11.0%	26.5%	26.1%	67.9%	27.0%	47.1%	

NOTE: Percentage release of Bisacodyl in six units tested at first level was found less than 80% (Q+5%) of the labelled amount. Further percentage release of Bisacodyl in five units was found less than Q-25% 50%) at B1 level. Therefore, Dissolution test is stopped at level 1. **(Doe Comply)**

RESULT: Given sample is **Sub-Standard** with regards to Dissolution and Assay.

iii. M/s Muneeb Pharmacy, situated at Mamukanjan Road Ada Mureedwala, Tehsil Samundri, District Faisalabad provided Invoice/Warranty No. 17108 dated 25-07-2021 issued by M/s Hafiz Surgical & Medicine Company Gali Qasaban Wali # 6, Medicine Market Chiniot Bazar Faisalabad as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/s Hafiz Surgical & Medicine Company Gali Qasaban Wali # 6, Medicine Market Chiniot Bazar Faisalabad who provided Invoice/Warranty No. 5847 dated 15-07-2021 issued by M/s Batala Pharmaceuticals (Pvt) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan as a proof of its purchase.

v. A copy of test/analysis report was sent to M/s Batala Pharmaceuticals (Pvt) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan with directions to provide the requisite information and to explain their position in this regard. In response, the firm challenged the test/analysis report and requested to re-test the above mentioned drug sample from Appellate Laboratory, National Institute of Health, Islamabad.

vi. Pursuant to the request of M/s Batala Pharmaceuticals (Pvt) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan the retesting request of the subject drug sample was considered in the 244th Committee Meeting of the Board held on 31-05-2022 and the subject drug sample was sent to NIH, Islamabad, from where the sample was declared **Sub-standard** as detailed below:

<table>
<tr><th>Name of Drug</th><th>Batch No.</th><th>Name of Manufacturer</th><th>NIH Test Report No.</th><th>NIH Test Report Result</th></tr>
<tr><td>Tablet. Bisacodyl 5mg</td><td>9699</td><td>M/S Batala Pharmaceuticals (Pvt) Ltd., 23/B, Small Industrial Estate # 2, Gujranwala, Pakistan.</td><td>0143-P/ 2022 dated 28-09-2022</td><td>
Analysis with specifications applied: British Pharmacopoeia 2017

<u>DISSOLUTION TEST:</u>
<table>
<tr><th></th><th>Determined</th><th>Limit</th></tr>
<tr><td>First Stage</td><td>All the six tablet are within the limit.</td><td>The amount of bisacodyl released is not more than 5% of the stated amount.</td></tr>
<tr><td>Final Stage</td><td>All the six tablet deviated from the limit.</td><td>The amount of bisacodyl released is not less than 75% (Q) of the stated amount.</td></tr>
<tr><td colspan="3">Does not comply with BP-2017</td></tr>
</table>
<u>ASSAY:</u>
<table>
<tr><th>Assay</th><th>Stated</th><th>Found</th><th>Limit</th><th>Percentage</th></tr>
<tr><td>Bisacodyl</td><td>5mg/ tablet</td><td>4.80 mg/ tablet</td><td>95-105%</td><td>96.05%</td></tr>
</table>
</td></tr>
</table>

				Complies with BP-2017 **Result:** The sample is of **Sub-Standard** quality on the basis of the test performed.	

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

i. **Manufacturing for Sale / Sale of Sub-standard Drug.**
ii. **Issuance of false warranty.**

3. Showcause was issued to accused person(s) vide dated.

Personnel hearing notice(s) issued to accused person(s) vide dated 13-09-2024.

Case is placed before the Board.

Sr. No.	Summary of the Case	
1	**Sampling Date (Form 4)**	08-12-2021
2	**Sample Sent to DTL (Form-6)**	15-12-2021
3	**Receipt Date in DTL**	16-12-2021
4	**Issuance of DTL Report**	10-02-2022
5	**Time Extension**	N/A
6	**DI First Communication with Firm**	05-03-2022
7	**Retesting Request**	10-03-2022
8	**Investigation Report by DI**	31-01-2023
9	**SCN Permission**	258th meeting
10	**Show Cause Notice Issued**	04-09-2023
11	**History (3 years)**	Firms reported: 08

		Product reported: 04

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

Subject case was placed before the Board in its **285th meeting held on 26-09-2024**. The above-mentioned case were **left-over** due to time constraints.

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 31

PQCB/R-207,208/2022

Tehsil Kamoke District Gujranwala

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Hafiz Pharma Industry, G.T. Road (Ghania) Kamoke District Gujranwala** through its Managing Director, Hamza Rehman. 2. Hamza Rehman — Managing Director 3. Fiaz Ahmed — Production Incharge 4. Naveeda Akbar — Quality Control Incharge **of M/S Hafiz Pharma Industry, G.T. Road (Ghania) Kamoke District Gujranwala.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Tehsil Kamoke District Gujranwala reported that: -

i. He, on 25.08.2022, inspected the business premises of M/s Hafiz Pharma situated at 44-Km (Ghaniya) Kamoke, Gujranwala and took below mentioned drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Faisalabad vide memorandum no. 138437 and 138438 dated 29.08.2022.
ii. Following Drug samples after test/analysis were declared as **Substandard** by Government Analyst Drug Testing Laboratory Faisalabad, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	DTL Report TRA No. & Date
Surgeon Bandage (Surgeon Bandage for dressing, BP Type-II, Size: 5cm x 3m) **Mfg. Date: Exp. Date: Registration No.** 08.2022 08.2025 MDME-0000048	3082221	M/S Hafiz Pharma Industry, G.T. Road (Ghania) Kamoke District Gujranwala	01-68018088/DTL Dated. 21.10.2022

DTL Test Report Result

Specification applied: BP 1993

Description: Cotton cloth of plain weave bleached to a good white, in one continuous length containing no joins, clean reasonably free from weaving defect, leaf and shell and edges are evenly cut, parallel with the warp threads and reasonably free from loose threads.

Thread per stated length

Warps: Complies

Wefts: Complies

Weight per unit area: Complies

Fluorescence Test: Stated: Not more than a few isolated fibers show an intense blue fluorescence when examined under UV light (365nm) {BP 1993}

Determined: All fibers show intense blue fluorescence (Does not Comply)

RESULT: Given sample is Sub-standard with regards to **Fluorescence Test.**

Name of Drug	Batch No.	Name of Manufacturer	DTL Report TRA No. & Date
Surgeon Guaze Roll (Surgeon Guaze Roll, B.P.C. Size: 1m x 30m) **Mfg. Date: Exp. Date: Registration No.** 08.2022 08.2025 070084	4082210	M/S Hafiz Pharma Industry, G.T. Road (Ghania) Kamoke District Gujranwala	01-68018089/DTL Dated. 21.10.2022

DTL Test Report Result

Specification applied: BPC 1973

Description: Cotton cloth of plain weave, bleached to a good white, clean and reasonably free from weaving defect, cotton leaf and shell. It was odorless.

Thread per stated length

Warps: Complies

Wefts: Complies

Weight per unit area: Complies

Fluorescence Test: Complies

Absorbency: Sinking Time: Complies

Acidity/ Alkalinity: Stated: Should be Neutral in reaction with phenolphthalein solution and methyl orange solution. **Determined: Alkaline as it gives pink color with phenolphthalein solution (Does not Comply)**

RESULT: Given sample is Sub-standard with regards to **Alkalinity Test.**

iii. Copies of test/analysis reports were sent to M/S Hafiz Pharma Industry, G.T. Road (Ghania) Kamoke District Gujranwala and they were directed to explain their position and to provide the requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976/ DRAP Act 2012 and Rules framed there under by the way of :-

a. **Manufacturing for sale/ sale of substandard Therapeutic Goods**

3. Show cause/ Personal hearing notice(s) issued to accused person(s) on 16-09-2024.

Reply of firm to show cause/ personal hearing notice vide letter no.HP-QCB-2491 dated 23-09-2023:

With reference to your letter no. PQCB/R-207,208/2022 dated 16-09-2024, we hereby humbly submit:

1. That Hafiz Pharma Industry is one of the leading manufacturers of surgical dressings in Pakistan having valid drug manufacturing license & cGMP certificate from DRAP, providing standard quality products from many years which are fully compliant with The Drugs Act, 1976 and Medical Devices Rules, 2017. (Copy of ELM, CGMP, Enlistment Certificates attached as annexure A)

2. That our product Surgeon Cotton Bandage BP 11 (5 cm x 3m) Batch no 3082221 was declared sub- standard by DTL Faisalabad vide TRA No. 01-68018088 dated 21-10-2022, due to minor deviation in fluorescence test. The florescence test itself is a subjective test prone to personal errors. The deviation in florescence test is minor, remediable and it does not have any harmful effect to the human body specifically in case of Cotton Bandage BP II which is a secondary dressing and does not come directly in contact with wounds.

3. That our product Surgeon Gauze Roll BPC (1 m x 30 m) Batch no. 4082210 was declared sub- standard by DTL Faisalabad vide TRA No. 01-68018089 dated 21-10-2022, whereas, the same batch was tested by DTL Rawalpindi and declared of standard quality vide TRA No. 01-74005529 dated 29-10-2022 (DTL Report attached as annexure B)

4. That the contradicting reports of DTL Faisalabad and Rawalpindi for same batch makes the whole case doubtful and the benefit of doubt as of right, should always be given to the accused. Moreover, the pH test of gauze is qualitative with little margin of error, phenolphthalein shows pink color from pH 7 to 10 and it becomes colorless again after pH 10. It means that any product having pH more than 10 (strongly alkaline) can pass this alkalinity test which raises serious concerns as to the sole reliance on this test to determine the alkalinity.

Moreover, the firm has well established quality control department with qualified technical staff who perform tests regularly to ensure the standard quality of our products. Our technical staff has performed the requisite tests and cleared the above said batches. (BMRs attached as annexure C)

In the light of foregoing submissions, it is humbly requested to drop the proceedings against us.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

285th meeting dated 26-09-2024:

4. The case was left-over due to time constraints.
5. Personal hearing notice(s) issued to accused person(s) on 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date: 08-2022**
- **Exp. Date: 08-2025**
- **Sampling date (Form 4): 25-08-2022**
- **Sent to DTL (Form 6): 29-08-2022**
- **Date of receipt in DTL: 31-08-2022**

- **DTL Report Date (Form 7): 21-10-2022**
- **DI 1st intimation to firm: 29-10-2022**
- **Retesting request if any: Nil**
- **Fate of Retesting: NA**
- **Investigation report Dated: 07-11-2022**
- **Permission of SCN: 262nd meeting dated 13-06-2023**
- **SCN Issued: 16-09-2024**
- **Reply of the firm: No**
- **History (2021 onwards) Firm: 07 cases**
- **Product (Surgeon Bandage): 03 cases**
- **(Surgeon Guaze Roll): 03 cases**

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 32

PQCB/R-799/2021

Tehsil Malakwal District Mandi Bahauddin

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Dr. Raza Pharma (Pvt.) Ltd., Plot 44-C, Industrial Estate Hayatabad, Peshawar -Pakistan** through its Managing Director, Naeem Shahzad 2. Naeem Shahzad Managing Director 3. Shahzad Afzal Production Incharge/ Warrantor 4. Mohammad Aslam Khan Quality Control Manager of M/s Dr. Raza Pharma (Pvt.) Ltd., Plot 44-C, Industrial Estate Hayatabad, Peshawar - Pakistan.

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Tehsil Malakwal, District Mandi Bahauddin reported that: -

i. He, on 26-10-2021, inspected the business premises of M/s Al-Shifa Medical Store situated at Sargodha Road Adda Gojra Tehsil Malakwal District Mandi Bahauddin, took three different types of drug samples on Form No.04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory Faisalabad vide memorandum no. 109469 dated 28-10-2021.
ii. The subject drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Faisalabad**, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	TRA No. & Date	DTL Test Report Result
Enteric Coated Tablet. Pamzim [Each enteric coated tablet contains: Pantoprazole USP …. 40mg (as Na Sesquihydrate)] **Mfg Date:** Apr 2020 **Expiry Date:**	2415	M/S Dr. Raza Pharma (Pvt.) Ltd., Plot 44-C, Industrial Estate Hayatabad, Peshawar - Pakistan.	01-68012450/DTL dated 29-12-2021	**Analysis with specifications applied: MS/USP 2021** **DESCRIPTION:** Sky blue colored, circular shape, biconvex tablets contained in A PVC blister of 7 units packed in outer hard carton. **IDENTIFICATION:** Pantoprazole Sodium identified. **ASSAY:** Stated: 40 mg Pantoprazole / Tablet Determined: 34.604 mg Pantoprazole / Tablet Percentage: **86.51% (Does Not Comply)**

Apr 2022 **Regn No.** 030820				Limit: 90–110% (USP 2021) **DISSOLUTION TEST:** **Does not comply with Manufacturer's Specifications detailed below:** **Acid Stage:** **Tolerance Limit:** Not more than 10% of labelled amount of Pantoprazole in 1 minutes in 1000ml of 0.1N HCl, in Apparatus 2 at 100 rpm.

Level	Units Tested	Acceptance Criteria						Remarks
A1	6	No individual value exceeds 10% dissolved						**Does Not Comply**
		Unit 1	**Unit 2**	**Unit 3**	**Unit 4**	**Unit 5**	**Unit 6**	
	After 120 Minutes	**22.2%**	9.4%	**79.1%**	**32.6%**	**10.2%**	4.0%	

NOTE: Percentage release of Pantoprazole among four units tested at first level (A1) found more than 10% of the labelled amount. Furthermore, percentage release Pantoprazole among two units is found more than 25% at A1 level. Therefo Dissolution test is stopped at Acid stage as given specimen fails to resist acid mediu **(Does Not Comply)**

RESULT: Given sample is **Sub-Standard** with regards to Dissolution Test and Assa

iii. M/s Al-Shifa Medical Store situated at Sargodha Road Adda Gojra Tehsil Malakwal District Mandi Bahauddin provided invoice/warranty bearing No. 1341/DRP/ACC 21/5/2020 dated 21-05-2020 issued by M/s Dr. Raza Pharma (Pvt.) Ltd., Plot 44-C, Industrial Estate Hayatabad, Peshawar -Pakistan as a proof of its purchase.

iv. A copy of test/analysis report was sent to M/S Dr. Raza Pharma (Pvt.) Ltd., Plot 44-C, Industrial Estate Hayatabad, Peshawar -Pakistan with directions to explain their position and provide requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against above mentioned accused person who have contravened the provisions of Section 23/27 of the Drugs Act 1976/ DRAP Act 2012 and Rules framed there under by the way of :-
    i. **Manufacture for sale/ Sale of Substandard drug**
    ii. **Issuance of false warranty**
3. Show cause notice(s) issued to accused person(s) on 17-04-2024.

Firm submitted written reply to the Show Cause Notice vide letter no. DRP/PQCB/2415/24 dated 27-04-2024

This is in response to your letter No. PQCB/R-799/2012 dated 17-04-2024, on the subject, mentioned above.

We respectfully submit as under:

That M/s Dr. Raza Pharma, Peshawar, has great respect with highest possible level of compliance to all the prevailing laws, regulating Pharmaceutical Industry and has always worked within the legal framework of the DRAP Act 2012/ Drugs Act 1976, and rules framed there-under in order to ensure delivery of high quality effective and safe drugs to the patients at National level.

That the Provincial Inspector of Drugs, Tehsil Malakwal, District Mandi Bahauddin inspected and took sample in question from the business premises of M/s Al-Shifa Medical Store, Sargodha Road, Adda Gojra, Tehsil Malakwal, District Mandi Bahauddin on 26-10-2021 and sent to DTL Faisalabad, for the purpose of Test/Analysis, which was declared sub-standard by the Govt. Analyst vide Test Report No. TRA 01-68012450/DTL dated 29-12-2021, and only page 1 of 2 (1 page) received in our office on 13-12-2022, along with copy of our Invoice No. 1341 dated 21-05-2020, issued in favour of M/s Al-Shifa Medical Store, Sargodha Road, Adda Gojra, Tehsil Malakwal, District Mandi bahauddin vide Drug Inpector's letter No. 89DI/MLK dated 10-12-2022. In response, we stated to the Drugs Inspector, that no letter or communication, regarding the subject matter, has been received by us prior to your letter No. 89DI/MLK dated 10-12-2022.

In response, we clearly stated to the Drugs Inspector, that no letter of communication, regarding subject matter, has been received by us prior to his letter under reply, which incidently has also been sent by him, after the expiry of stated batch of the drug.

We also wish to categorically state that no portion of the sample as mandatory required to be dispatched to us as a manufacture/final warrantors within seven days from the date of taking of samples under section 19(3)(iii) of the Drug Act 1976, has been admittedly not sent to us, is a clear breach of such requirement of law; and no copy of the test report was also sent as per section 22 of such law where under we had the legal right to challenge the report and seek appellate retesting by a federal laboratory within the specified time period.

It may also be appreciated that even the test report in question, stating to be under specification of USP, without the raw data and details of the test and calculations, inspires no confidence and is contrary to the mandates of law. It is a statutory requirement of Section 24A of the General Clauses Act, 1897, that all the particulars, details and documents, based on which a show cause notice is issued, be provided to the respondent for properly defending any allegation.

That accordingly, by failing to provide us with such details, data, particulars and documents, we are being denied our legal and statutory rights, which is totally against the principles of natural justice.

Accordingly, for breach of such mandatory provisions of the law and denial of our rights to challenge the DTL report, under the same, the entire matter stands vitiated and rendered void ab initio, whereupon the case stands foreclosed, abated and a futility.

That, no further proceedings or action of any nature is required or justified against us in the admitted and acknowledged facts and circumstances of the case.

In view of the above mentioned facts, the present case based upon Disputed, Non-Conclusive Test/Analysis Report No. TRA 01-68012450/DTL dated 29-12-2021, no legal proceedings may kindly be initiated against the firm under the Drugs Act, 1976/DRAP Act, 2012 and Rules framed thereunder. Therefore, it is requested that the case may kindly be considered as dropped case as there is no contravention of the Drugs Act 1976, or any other law prevailing in Pakistan.

4. Personal hearing notice(s) issued to accused person(s) dated 16-09-2024.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

285th meeting dated 26-09-2024:

5. The case was left-over due to time constraints.
6. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date: 04-2020**
- **Exp. Date: 04-2022**
- **Sampling date (Form 4): 26-10-2021**
- **Sent to DTL (Form 6): 28-10-2021**
- **Date of receipt in DTL: 02-11-2021**
- **DTL Report Date (Form 7): 29-12-2021**
- **DI 1st intimation to firm: 10-12-2022**
- **Retesting request if any: Nil**
- **Fate of Retesting: NA**
- **Investigation report Dated: 20-05-2023**
- **Permission of SCN: 269th meeting dated 03-10-2023**
- **SCN Issued: 17-04-2024**
- **Reply of the firm: Yes**
- **History (2021 onwards): Firm: 04 cases**
- **Product: 01 case**

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 33

PQCB R-680/2020

Tehsil Mian Channu, District Khanewal

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Dr. Raza Pharma, 44-C Industrial Estate, Hayatabad, Peshawar-Pakistan,** through its Managing Director, Naeem Shahzad 2. Naeem Shahzad — Managing Director 3. Shahzad Afzal — Production Incharge 4. Muhammad Aslam — Quality Control Manager/Warrantor **of M/S Dr. Raza Pharma, 44-C Industrial Estate, Hayatabad, Peshawar-Pakistan**.

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Tehsil Mian Channu, District Khanewal, reported that: -

i. His predecessor, on 06-04-2020, inspected the business premises of M/S Hamdard Medical Store, Vijianwala, Mian Channu and took a drug sample on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory, Multan.
ii. The subject drug sample, sent vide memo no. 48/DIMC dated:07-04-2020, after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory, Multan, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	DTL Report TRA No. & Date
Syrup Salbair (Salbutamol as Sulphate…2mg/5ml) **Mfg. date: Oct-2019** **Exp. date: Oct-2021** **Reg# 084246**	S-068	M/S Dr. Raza Pharma, 44-C Industrial Estate, Hayatabad, Peshawar-Pakistan.	01-84001013 /DTL, Dated: 03-06-2020

Specification applied: BP 2019/MS

Description:

Stated: Clear, Colorless, transparent, sweet viscous liquid with Orange flavor in amber colored glass bottle of 60ml with aluminum cap packed in a labeled outer carton.

Determined: Solution when observed contains large visible particulate matter in one out of three bottles. **(Does not Comply)**

pH

Limit: 3.3-4.0

Determined: 3.94 (Complies)

Identification Salbutamol as Sulphate Identified.

Assay: HPLC

Salbutamol as Sulphate

Stated: 2 mg/ 5mL

Determined: 1.91 mg/ 5mL

Percentage: 95.38 %

Limit: 95-105% (Complies)

Result: The above sample is **Sub-Standard** on the basis of **Large Visible Particulate Matter.**

iii. M/S Hamdard Medical Store, Vijianwala, Mian Channu, provided invoice/ warranty No. C 10,745 dated 24-01-2020 issued by M/s Rao & Brothers Medicine Company, H#2, Gulzar-e-Madina Masjid, Peoples Colony, Vehari, as a proof of its purchase.
iv. Warrantor portion of drug sample was sent to M/s Rao & Brothers Medicine Company, H#2, Gulzar-e-Madina Masjid, Peoples Colony, Vehari.
v. M/S Rao & Brothers Medicine Company, H#2, Gulzar-e-Madina Masjid, Peoples Colony, Vehari in turn provided invoice/warranty No. 333/DRP/19/12/2019, dated: 19-12-2019, issued by M/S Dr. Raza Pharma, 44-C Industrial Estate, Hayatabad, Peshawar-Pakistan, as a proof of purchase of subject drug sample.
vi. A copy of test/analysis report was sent to M/S Dr. Raza Pharma, 44-C Industrial Estate, Hayatabad, Peshawar-Pakistan, and they were asked to explain their position and provide the requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of: -

a. **Manufacture for sale /sale of Substandard drug**

b. **Issuance of false warranty**

3. Show cause notice(s) issued to the accused vide 05-05-2023.

Reply to show cause notice:

- Reference your letter No. PQCB/R-680/20202 dated 05-05-2023, asking us to clarify our position, regarding our product Salbair Syrup 2mg/5ml, Batch No. 668, declared as sub-standard by DTL, Multan, on the basis of large visible particulate matter, vide Test Report No. 01-84001013/DTL dated 03-06-2020.
  In such regards we respectfully submit as follows:
- We wish to invite your attention to our complaint on the subject of Blackmailing and threats by M/S Hamdard Medical Store, Khanewal Road, submitted to the concerned drug inspector vide letter bearing Ref. No. DRP/DIK/01/20 dated 07-04-2020, which was duly received by him personally from the couriers.
- A copy of the same along with the couriers tracking note is enclosed.

- We categorically state that we have not supplied the said drug to such dealer and the referred invoice of M/S Rao Brothers would not be relevant for his acquisition or for purposes of Section 32(3)(b) Proviso of the Drugs Act, 1976.
- That from around 2 April, 2020, the said dealer through the stated Rao Brothers had been threatening us in the matter and demanding monetary ransom for the alleged bottle of the drug, but as we categorically refused to entertain or comply with the demands, a written complaint was made to the concerned Drug Inspector regarding the issue.
- That these establish the complicit and implicit conduct of all concerned as well as the illegal and nefarious nature of the action taken as regards taking of samples and testing by the laboratory.
- That in addition to exposing the negative and detrimental activities of quite a few persons, it is also conclusively and expressly proven from the complaint etc that the so-called offending bottle had been sold and delivered to the customer by the dealer; that the bottle had been opened and tampered with; and, accordingly, the reacquisition of the same by the dealer and very unfortunate sampling and picking up the same suspect, tampered and opened/resealed bottle despite being aware and in the knowledge of these factors is malafide, illegal and unlawful, Tanta mounting to abetment of the nefarious activities of the blackmailers and concealment and non-disclosure an suppression of the facts and position as truly existed in reality.
- Thus, there is no legal value, sanctity or bonafides attached to the entire action starting from the sampling to the testing and no merit or justification for declaring the sample substandard; peculiarly based on one bottle out of three, and we condemn this exercise in unison intended to discredit and harm bonafide, honest and dedicated local manufacturers.
- We would seek a response from the Drug Inspector, as to action, if any, taken by him in regards to and based on our written complaint which had been personally acknowledged and received by him, which he was mandatorily required to investigate under Rule 7(d) of the Punjab Drug Rules, 2007, more particularly with regards to the checking/impounding of sales record required to be maintained under Rule 20(1)(c) thereof and the number of inspections of the stated store carried out by him till date; as well as the monthly reports submitted by him in Form-1 under Schedule A of the stated Rules.
- Please note and appreciate that, if at all, there was any particulate or offensive matter in any bottle or container, then instead of returning or resealing or returning such bottle/container the law has facilitated every person to seek sampling of drugs from the Government Analyst under Rule 13 of the Rules and submitting written complaints under Section 30 of the DRAP Act, 2012.
- If a large visible particle was so apparent in the bottle, we fail to understand that what was the need to open the bottle by the purchaser; or, what prevented the drug inspector from acting under Section 19(4) of the Drugs Act, 1976, and clause (4) of the Procedure for Inspectors provide under Schedule-V of the DRAP Act, 2012; or, prevented the DTL, Multan, from immediately acting on the basis of physical observation, rather than waiting for the 59th day after receiving the samples to declare it substandard on such basis.
- That all these factors lead to the irresistible conclusion that there is no merit or truth in the sham version and state of affairs without any substance or merits whatsoever, which are self-created nefarious actions motivated with greed and complete disregards of law, goodness or fairness and against public health and welfare.
- As regards the merits of the test report, without prejudice to our submissions as above we wish to state that the same is an illogical, improper and perfunctory document without any merits or substance, in as much that in the first instance, the nature, identity and size as well as any other particulars of the so-called large particle have not been determined or revealed in the report; and in the second instance, it is even otherwise not declared to be extraneous in nature or harmful to public health.
- Accordingly, as the potency has been determined to be within specified limits and nothing adverse is declared or mentioned on the report in the context of the particulate matter, it cannot be declared as substandard under the definition given in the law; whereas, in actual fact, any particulate matter would render a product adulterated but not substandard. However, the two essential ingredients and requirements specified in the definition of adulterated drug as given in the Drugs Act, 1976, viz; being foreign in nature are harmful/injurious to human health have not been alleged or claimed in such report and as such, it is rendered a non-entity and of no merit or intrinsic value under the law for basing any allegations or substantiating any proceedings or actions thereupon.
- In the above mentioned established and irrefutable facts and circumstances narrated by us, we request you to withdraw your letter under reply as well as the allegation of substandard drug based on the test report and to close the case; or in the alternative, provide us with the record and information sought by us; and, to initiate and proceed with action against all of those involved in the heinous activity of blackmailing and threats of action/repercussions against us to curb and prevent such anti-humanity and anti-social activity in the market and safeguard the honest and bonafide manufacturers from such nefarious and frustrating episodes in future, for which we would be grateful.

- Firm provided the names of its technical staff as follows;

1. Naeem Shahzad	Managing Director
2. Shahzad Afzal	Production Incharge/Warrantor
3. Muhammad Aslam	Quality Control Manager

However, as per warranty the name of warrantor is Muhammad Aslam (Quality Control Manager) and show cause notice is issued to the same. Therefore, there is a need to ascertain the name of warrantor from the firm's representative

4. Personal hearing notice(s) issued to accused person(s) on 28-11-2023.

PREVIOUS PROCEEDINGS AND DECISION BY THE BOARD:

PQCB's 273rd meeting held on 07-12-2023:

5. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **273rd meeting** held on **07-12-2023** under the Chairpersonship of Special Secretary (Operations)/ Vice-Chairperson PQCB, Primary & Secondary Healthcare Department Punjab. Mr. Abdul Majeed Bhatti CEO, District Khanewal attended the meeting online via zoom link and Mr. Shehroz Khan, Drug Inspector, Tehsil Mian Channu was present along with the original case record. No one among the nominated accused persons of **M/S Dr. Raza Pharma, 44-C Industrial Estate, Hayatabad, Peshawar-Pakistan** was present.
6. The Board after due deliberation and discussion unanimously decided to **adjourn the case** in the best interest of justice, being first time. The Board further decided to provide another opportunity of personal hearing to the accused.
7. Personal hearing notice(s) issued to accused person(s) on 16-09-2024.

PQCB's 285th meeting held on 26-09-2024:

2. Case was considered by the Provincial Quality Control Board under section 11 of the Drug Act 1976 in its **285th Meeting held on 26-09-2024** under the Chairmanship of Secretary, Primary and Secondary Healthcare Department, Punjab (Chairperson PQCB). Mr. Syed Abdullah Secretary DQCB, Khanewal attended the meeting online via zoom link and Mr. Shehroz Khan, Drug Inspector Tehsil Mian Channu, District Khanewal was present along with original case record. Among the nominated accused persons, Shahzad Afzal (Production Manager) of **M/s Dr. Raza Pharma 44-C, Industrial Estate, Hayatabad Peshawar Pakistan was present**.
3. The case was left-over due to time constraint.

Personal Hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date:10-2019**
- **Exp. Date: 10-2021**
- **Sampling date (Form 4): 06-04-2020**
- **Sent to DTL (Form 6): 07-04-2020**
- **Date of receipt in DTL: 08-04-2020**
- **DTL Report Date (Form 7): 03-06-2020**
- **Time Extension to DTL: report not time barred**
- **DI 1st intimation to firm: 04-06-2020**
- **Retesting request if any: No request**

- **Investigation report Dated: 05-07-2022**
- **Permission of SCN: 255th meeting dated 29-12-2022**
- **SCN Issued: 05-05-2023**
- **Reply of the firm Yes (15-05-2023)**
- **History (3 years) Firm: 03 cases**
- **Product: 00 case**

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 34

PQCB/R-452/2020

Tehsil Bahawalpur Saddar, District Bahawalpur

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/s Treat Pharmaceutical Industry (Pvt) Ltd, A-37, Small Industrial Estate, Township Kohat Road Bannu** through its Chief Executive Officer Sikander Hayyat. 2. Sikander Hayyat Chief Executive Officer 3. Naeem Hayyat Managing Director/Warrantor R/O Sokari Zabta Khan Bannu Khan. 4. Shaukat Ullah Khan Production Incharge R/O Kotka Sardar Ali Khan Bazar Ahmad Khan Bannu City. 5. Syed Asif Kamal Quality Control Incharge R/O Kotka Tabiban D.I Khan Road Bannu. Of **M/s Treat Pharmaceutical Industry (Pvt) Ltd, A-37, Small Industrial Estate, Township Kohat Road Bannu.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Tehsil Bahawalpur Saddar, District Bahawalpur reported that: -

i. He, on 27-10-2020, inspected the business premises of M/S Al-Makkah Medical Store 13-Soling Bahawalpur and took two different types of drugs on Form No. 04 for the purpose of test and analysis.
ii. One out of these drug samples, after test/ analysis, was declared **Substandard** by Government Analyst Drug Testing Laboratory, **Bahawalpur** as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report** **TRA No. & Date**	**DTL Test Report Result**
Injection Pain-Treat [Diclofenac Sodium:75mg/2ml, Lidocaine HCl: 20mg/2ml]	062	M/s Treat Pharmaceutical Industry (Pvt) Ltd, A-37, Small Industrial Estate, Township Kohat Road Bannu	01-77002482/DTL Dated. 15-12-2020	**Analysis with specifications applied:** **MS/ U.S.P 2020** **Composition:** Each 2ml Ampoule contains:

Diclofenac sodium…… .75mg

Lidocaine HCl……20mg

Description:

Colorless liquid in amber glass sealed ampoule, (stated volume:2ml). 05 out of 10 ampoules contain undissolvable visible particulate matter seen with the naked eye.

(Does not comply with the parenteral specifications).

Does not comply with specifications.

Sterility (USP):

The product is sterile.

Identification (MS):

Diclofenac sodium is identified.

Lidocaine HCl is identified.

Assay (MS):

Diclofenac Sodium:

Stated	75mg/2ml
Determined	74.32mg/2ml
Percentage	99.09%
Limit	90.0-110.0%

Lidocaine HCl:

Stated	20mg/2ml
Determined	21.1224mg/2ml
Percentage	105.612%
Limit	90.0-110.0%

				Result: The sample is declared **Substandard**, on the basis of **Physical Description and PH test.**

iii. M/S Al-Makkah Medical Store 13-Soling Bahawalpur provided Invoice/warranty No 24494 dated 12-10-2020 issued by M/s Ikhlaq Medicine Company Bahawalpur who in turn provided invoice/warranty No. 4576, dated 24-07-2020 issued by M/s Treat Pharmaceutical Industry (Pvt) Ltd, A-37, Small Industrial Estate, Township Kohat Road Bannu as a proof of its purchase.

iv. Warrantor portion of drug sample was sent to M/s Ikhlaq Medicine Company Bahawalpur.

v. A copy of test/analysis report was sent to M/s Treat Pharmaceutical Industry (Pvt) Ltd, A-37, Small Industrial Estate, Township Kohat Road Bannu and they were asked to provide the requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacturing for sale /Stocking for sale/selling of Substandard drug**

b. **Issuance of false warranty**

3. Show cause notice(s) issued to the accused persons(s).

Reply to Show cause notice:

Respected Sir,

Referring to your Letter No.PQCB/R-452/2020, dated Lahore the 19-05-2021 It is to state that we M/S Treat Pharmaceuticals have already challenged the Analysis Report of DTL Bahawalpur on the basis of the Samples Retained in our Quality Control Department. As our Quality Control department thoroughly analyzed retained samples of the said product and found out that the samples perfectly comply with all in-house specifications, pH of the Injection Pain-treat (Batch No. 052) is within specified limit and Injections solution is almost clear. We M/S Treat Pharmaceuticals have every reason to doubt that Pain-treat Injection Batch No. 062 might have not been kept under adequate/proper storage conditions and might have been exposed to very high temperatures.

All the relevant documents are attached with this letter.

a- Naeem Hayat s/o Hayat Mir (Managing Director/Warrantor)

Sokari zabta khan The. & District Bannu

b- Shaukat ullah khan (Production In charge)

Bazar Ahmad khan The. & District Bannu

c-Syed Asif Kamal (Quality Control In charge)

D.I. Khan road The. & District Bannu

4. Personal hearing notice(s) issued to the accused persons(s) dated 12-09-2024.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

5. The subject case was placed in **285th** meeting held on **26.09.2024**. Case was left over due to time constraints.
6. Personal hearing notice(s) issued to the accused persons(s) dated 22-10-2024.

PROCEEEDINGS & DECISION BY THE BOARD:

Summary:

Date of sampling: 27-10-2020

Date of DTL: 28-10-2020

Date of receipt in DTL: 28-10-2020

Issuance date of DTL Report: 15-12-2020

Time Extension: Not Time Barred

1st DI Communication with firm on dated: 11-01-2021

Retesting Request of Firm: Firm requested for retesting request dated 12-03-2021 but DI stated that Retesting request was time barred (02 months and 5 days)

Investigation report received: 10-04-2021

Show cause notice dated: 10-06-2021

Reply of the firm: Received

History of the

firm of last 3 years:

Firm: 04 cases of the subject firm

Product: 01 case of subject product

Manufacturing Date: 03-2020

Expiry Date: 03-2022

Case No. 35

PQCB/R-831/2021

Tehsil Bahawalpur City, District Bahawalpur

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/S Treat Pharmaceutical Industry (Pvt.) Ltd., A-37, Small Industrial Estate, Township Kohat Road, Bannu** through its Managing Director/ CEO, Sikandar Hayyat. 2. Sikandar Hayyat — Managing Director/ CEO 3. Shoukat Ullah Khan — Production Manager 4. Syed Asif Kamal — Quality Control Manager 5. Naeem Hayyat — Warrantor **Of M/S Treat Pharmaceutical Industry (Pvt.) Ltd., A-37, Small Industrial Estate, Township Kohat Road, Bannu.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of Drugs, Bahawalpur City reported that: -

i. The then Provincial Inspector of Drugs, on 25.03.2021, inspected the business premises of M/s Ali Drug House situated at Chowk Shazadi Bahawalpur and took below mentioned drug sample on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Bahawalpur vide memorandum no. 87822 dated 25.03.2021.
ii. Following Drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory Bahawalpur, as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report** **TRA No. & Date**
Injection Pain-Treat (Diclofenac Sodium: 75mg/2mL, Lidocaine HCl: 20mg/2mL) **Mfg. Date: Exp. Date: Registration No.** 10.2020 10.2022 073202	066	M/S Treat Pharmaceutical Industry (Pvt.) Ltd., A-37, Small Industrial Estate, Township Kohat Road, Bannu	01-77003592/DTL Dated. 27.05.2021

DTL Test Report Result

Specification applied: MS/ USP 2020

Composition: Each 2ml contains: Diclofenac Sodium: 75mg, Lidocaine HCl: 20mg

Description: Transparent liquid solution in amber glass sealed ampoule. (Stated volume: 2mL). 13 out of 20 ampoules contain undissolvable visible particulate matter seen with the naked eye. **(Does not comply with the parenteral specifications).**

Volume (MS): Complies

pH (MS): Complies

Sterility (USP): Complies

Identification (MS): Diclofenac Sodium is identified, Lidocaine HCl is identified.

Assay (MS): Complies

RESULT: The sample is declared **Substandard** on the basis of **"Physical Test".**

iii. M/S Ali Drug House situated at Chowk Shazadi Bahawalpur provided invoice/ warranty no. 4868 dated 24.12.2020 issued by M/S Treat Pharmaceutical Industry (Pvt.) Ltd., A-37, Small Industrial Estate, Township Kohat Road, Bannu as proof of purchase.

iv. Warrantor portion of drug sample was sent to M/s Treat Pharmaceutical Industry (Pvt.) Ltd., A-37, Small Industrial Estate, Township Kohat Road, Bannu.

iii. A copy of test/analysis report was sent to M/S Treat Pharmaceutical Industry (Pvt.) Ltd., A-37, Small Industrial Estate, Township Kohat Road, Bannu and they were directed to explain their position and to provide the requisite information in this regard. In response the firm submitted retesting request which was turned down by the Board in its 236th meeting dated 15.12.2021. The firm also submitted review petition which was referred back in compliance to the directions of Honorable Drug Court Lahore passed on 25.08.2021.

2. Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacture for sale/ sale of Substandard drug**
b. **Issuance of false warranty**

3. Show cause/Personal hearing notice(s) issued to the accused persons(s) dated 16-09-2024.

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

4. The subject case was placed in **285th** meeting held on **26.09.2024**. Case was left over due to time constraints.
5. Personal hearing notice(s) issued to the accused persons(s) dated 22-10-2024.

Summary:

Date of sampling: 25-03-2021

Date of DTL: 25-03-2021

Date of receipt in DTL: 29-03-2021

Issuance date of DTL Report: 27-05-2021

Time Extension: Not Time Barred

1st DI Communication with firm on dated: 08-04-2021

Retesting Request of Firm: Firm requested for retesting request dated 14-06-2021

PROCEEDINGS & DECISION BY THE

Fate of Retesting Request: Turn down in 236th meeting dated 15-12-2021

Permission of Show cause notice: 265-M

Investigation report received: 06-07-2023

Show cause/Personal Hearing notice dated: 16-09-2024

Reply of the firm: Not Received

History of the firm of last 3 years:

Firm: 04 cases of the subject firm

Product: 01 case of subject product

Manufacturing Date: 10-2020

Expiry Date: 10-2022

BOARD:

Case No. 36

PQCB/R-733/2022

Tehsil & District Sahiwal

ATTENDANCE:

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case:** 1. **M/s AGP Limited, B-23, S.I.T.E., Karachi** through its CEO/ Managing Director, Nusrat Munshi. 2. Nusrat Munshi — CEO/ Managing Director 3. Faizan Farid Khan — Production In-charge 4. Nadia Bibi Abbasi — Quality Control In-charge/ Warrantor **of M/S AGP Limited, B-23, S.I.T.E., Karachi.**

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Tehsil & District Sahiwal reported that: -

i. She, on 19.08.2022, inspected the premises of Medicine Store, Chief Executive Officer (DHA) Sahiwal and took below mentioned drug sample on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory Bahawalpur vide Memo. No. 137311, dated 19.08.2022.

ii. Following Drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory **Bahawalpur**, as detailed below:

Name of Drug	Batch No.	Name of Manufacturer	DTL Report TRA No. & Date
Sugar Coated Tablet Anafortan Plus (Hydrated Phloroglucinol: 80mg, Trimethylphloroglucinol: 80mg) **Mfg Date: Exp Date: Registration No.** 06.2022 05.2027 024504	A7195	M/S AGP Limited, B-23, S.I.T.E., Karachi	01-10097000001/DTL Dated. 05.10.2022

DTL Test Report Result

Specification applied: MS

COMPOSITION: Each sugar-coated tablet contains: Hydrated Phloroglucinol (B.P Specs.): 80mg (Corresponds to anhydrous Phyloroguci nol: 62.233mg), Trimethylphloroglucinol (AGP Specs.): 80mg.

DESCRIPTION (MS): Round shaped reddish brown colored biconvex tablet which is plain on both sides. Packed in blister pack of 10 tablets. Packed as 3x10 in outer carton.

IDENTIFICATION (MS): Phloroglucinol Hydrate & Trimethylphloroglucinol are identified.

ASSAY (MS):

Phloroglucinol hydrate Percentage 95.46%

Trimethylphloroglucinol Percentage: 97.44%

Limit: 95-105%

DISINTEGRATION TEST (MS):

Limit: All tablets must be disintegrated within specified time i.e., NMT 30min.

Result: All 06 tablets were not disintegrated within specified time i.e., 30min.

(**Does Not Comply with Applied Specs.)**

DISSOLUTION TEST (MS)

Tolerance limit: Not less Than 80% release of Phloroglucinol Hydrate in 60 minutes.

NUMBER TESTED	**ACCEPTANCE CRITERIA**						**AVERAGE**	**REMARKS**
06	Each unit is not less than 80% Phloroglucinol Hydrate of in 60 minutes.							
	1	2	3	4	5	6	**58.46%**	**Not comply with specification**
Phloroglucinol Hydrate	100.93%	101.67%	**36.63%**	**35.89%**	**37.48%**	**38.16%**		

Tolerance limit: Not less Than 80% release of Trimethylphloroglucinol in 60 minutes.

NUMBER TESTED	**ACCEPTANCE CRITERIA**						**AVERAGE**	**REMARKS**
06	Each unit is not less than 80% Trimethylphloroglucinol of in 60 minutes.							
	1	2	3	4	5	6	**27.19%**	**Not comply with specification**
Trimethylphloroglucinol	**66.86%**	**72.44%**	**4.86%**	**6.12%**	**6.40%**	**6.46%**		

RESULT:

The sample is declared **SUB-STANDARD** on the basis of **DISINTEGRATION TEST** and **DISSOLUTION TEST**.

iii. Store keeper, Medicine Store, Chief Executive Officer (DHA) Sahiwal provided delivery challan/ Invoice/warranty No. 90069547, dated 29.07.2022 issued by M/S AGP Limited, B-23, S.I.T.E., Karachi as a proof of its purchase.
iv. Warrantor portion of drug sample was sent to M/S AGP Limited, B-23, S.I.T.E., Karachi as a proof of its purchase**.**
v. A copy of test/analysis report was sent to M/S AGP Limited, B-23, S.I.T.E., Karachi and they were directed to explain their position and to provide the requisite information in this regard. In response, the firm requested for re-test/ analysis of the drug sample.
vi. Pursuant to the request of manufacturer, the request was considered in 22nd meeting of Committee of PQCB held on 21.06.2023 and the PQCB portion of the drug sample was sent to Appellate Laboratory. The drug was declared substandard from Appellate Laboratory, National Institute of Health Sciences, Islamabad as detailed below:

<table>
<tr><th>Name of drug</th><th>Batch No.</th><th>Name of manufacturer</th><th>test Report</th><th>NIH Test Report Results</th></tr>
<tr><td>Tablet Anafortan Plus</td><td>A7195</td><td>M/s AGP Limited, B-23, S.I.T.E., Karachi</td><td>0158-P/2023 Dated: 09.10.2023</td><td>
<u>DISINTEGRATION:</u>

<u>Determined:</u> All the eighteen tablets did not disintegrate within 30 minutes.

<u>Limit:</u> Not more than 30 minutes.

Does not comply with manufacturer specification.

DISSOLUTION TEST: Determined:

<u>Phloroglucinol</u>: All the six-tablet deviated from the limit.

<u>Trimethyl</u> All the six-tablet deviated from the limit

<u>Phloroglucinol</u>:
<table>
<tr><th></th><th>Limit:</th></tr>
<tr><td>Phloroglucinol:
Trimethyl
Phloroglucinol</td><td>Not less than 80% of labelled Phloroglucinol Dihydrate & Trimethyl Phloroglucinol are dissolved</td></tr>
</table>
Does not comply with manufacturer specifications

Conclusion: The above sample is Substandard quality of the basis of test performed.
</td></tr>
</table>

2 Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused persons who have contravened the provisions of Section 23/27 of the Drugs Act 1976 and Rules framed there under by the way of: -

a. **Manufacturing/ Selling/ Stocking the Substandard drug**
b. **Issuance of false warranty**

3 Show-cause notice(s) issued to the accused persons(s)

Reply of show cause notice dated 31-05-2024

This refers to your letter No. PQCB/R-733/2022 dated 13.05.2024, received on 25.05.2024 at AGP Limited. B-23-C. SI.TE, Karachi regarding our product "Anafortan Plus Tablet Batch No. A7195" which is declared substandard by the Appellate Laboratory vide test report no. 01 58-P/2023 dated 09.10.2023.
Provincial Quality Control Board

1. The specified product was manufactured on 22.06.2022 (Batch Size: 16.57 1 packs). From this batch, 2 19 packs were delivered to the CEO (DHA) Sahiwal, and 252 packs were delivered to the CEO (DIHA) Tehsil Okara.
2. Samples taken from both institutions i.e., CEO (DHA) Sahiwal and CEO (DHA) Teshil Okara were received at the Drugs Testing Laboratory, Bahawalpur on 24h and 31st August 2022.
3. The sample from the CEO (DHA) Tehsil Okara met the specifications, while the sample from the CEO (DHA) Sahiwal was deemed substandard based on disintegration and dissolution vide TRA No. 01 10097000001/DTL. Both samples were tested by the same government laboratory on the same day, 5th October 2022

4. The contradictory results may be attributed to storage conditions and mishandling of samples during transportation and testing as the product storage condition is "Do not store above 25°C. Therefore, the weather conditions during the transportation of samples from Sahiwal to Bahawalpur likely altered the product quality attributes.

5. Subsequently, packs from the same affected samples were sent to the NIH for re-testing, which eventually was also declared substandard vide test report no. 0158/P/2023 dated 09.10.2023

6. Furthermore, we have analyzed our reference sample of Anafortan Plus Tablet (A7195) internally and through third parties, such as HEJ and PCSIR, and the results were found to be in compliance with the specifications.

We believe that the discrepancies in the test results were largely due to the external factors such as storage condition handling during transportation, and the weather. We assure vou that our product. Anafortan Plus Tablet Batch No. A7195, has consistently met all specifications in our internal tests and third-party analyses. We remain committed to maintaining the highest standards of quality and compliance in our manufacturing processes.

4 Personal hearing notice(s) issued to the accused persons(s)

Summary	
Sampling Date (Form 4):	19-08-2022

Sent to DTL (Form 6):	19-08-2022
Date of receipt in DTL	23-08-2022
DTL Report Date (Form 7):	05-10-2022
1st DI Communication with firm dated	19-10-2022
Date of Retesting Request of Firm:	26-10-2022
Fate of Retesting request	Allow 22cm dated 21-06-2023
Sample received in NIH	03-07-2023
NIH report date	09-10-2023 (99 days)
Investigation Report Dated	28-11-2023
Firm History 3 years	**Firm: 4** **Product: 1 (subject drug)**

PREVIOUS PROCEEDING & DECISION BY THE BOARD:

5 Subject case was placed before the Board in its **285th meeting held on 26-09-2024**. The above-mentioned case was **left-over** due to time constraints.

6 Personal hearing notice(s) issued to the accused persons(s)

CURRENT PROCEEDING & DECISION BY THE BOARD:

Case No. 37

PQCB R-608/2022

Punjab Social Security Health Management Company Raiwind Manga Road

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/S AGP Limited, B-23-C, S.I.T.E., Karachi** through its Managing Director Nusrat Munshi 2. Nusrat Munshi — Managing Director 3. Faizan Fareed Khan — Production Manager 4. Nadia Bibi Abbasi — Quality Control Manager/Warrantor Of **M/S AGP Limited, B-23-C, S.I.T.E., Karachi.**

BREIF FACTS OF THE CASE:

Provincial Inspector of Drugs, Punjab Social Security Health Management Company Raiwind Manga Road reported that: -

i. He, on 11-10-2021, inspected the premises of Central Medical Store, Punjab Social Security Health Management Company Raiwind 8-Km Manga Road, took 03 different types of drug sample on Form No.04 for the purpose of test/analysis and sent subject drug sample to Drug Testing Laboratory Lahore vide memorandum no. 00000108889 dated 11-10-2021.

ii. Following Drug sample after test/analysis was declared as **Substandard** by Government Analyst Drug Testing Laboratory Lahore, as detailed below:

Name of Drug	**Batch No.**	**Name of Manufacturer**	**DTL Report**	**DTL Test Report Result**
Injection Anafortan Plus [Hydrated Phloroglucinol BP….40mg, Trimethylphloroglucinol AGP….0.04mg/Ampoule]	B5601	M/S AGP Limited, B-23-C, S.I.T.E., Karachi	01-166001949/DTL Dated 07-01-2022	**Specification applied: MS** **Assay** / **Stated** / **Determined** / **Percentage** / **Limits** / **Co** Hydrated Phloroglucinol: / 40.0mg/ampoule / 49.57mg/ampoule / **123.93%** / 95.0 – 105.0% / **Do Co** Trimethylphloroglucinol / 0.04 mg/ampoule / 0.03475mg/ampoule / **86.88%** / 90.0 – 110.0% / **Do Co** **RESULT:** The above sample is **SUB-STANDARD,** on the basis of the **ASSAY** of Hydrated Phloro Trimethylphloroglucinol performed as per MS.

iii. Store Keeper Central Medical Store, Punjab Social Security Health Management Company Raiwind Manga Road, provided bill/warranty 09-21-7450 dated 29-09-2021 issued by M/S Ahmed Bin Qasim company, 684-Kamran Block, Allama Iqbal Town, Lahore, as a proof of its purchase of said drug.

iv. Warrantor Portion was sent to M/S Ahmed Bin Qasim company, 684-Kamran Block, Allama Iqbal Town, Lahore who in turn provided bill/warranty 21/17/005980 dated 27-09-2021 issued by M/S Muller & Phipps Pakistan (Pvt.) Ltd., 10-Km, Multan Road, Lahore who in turn

provided bill/warranty 90064141 dated 20-08-2021 issued by M/S AGP Limited, B-23-C, S.I.T.E., Karachi.

v. A copy of test report was sent to M/S AGP Limited, B-23-C, S.I.T.E., Karachi and they were asked to provide the requisite information in this regard. In response, the firm challenged the test/analysis report and requested to retest the above-mentioned drug sample from appellate Laboratory NIH, Islamabad.

vi. Pursuant to the request of manufacturer the Provincial Quality Control Board in its 242nd Meeting dated 14-04-2022 allow the retesting and sent the subject drug sample to NIH, Islamabad, from where the same was declared **Substandard,** as detailed below:

<table>
<tr><th>Name of Drug</th><th>Batch No.</th><th>Name of Manufacturer</th><th>NIH Test Report No. & Date</th><th>NIH Test Report Result</th></tr>
<tr><td>Injection Anafortan Plus [Hydrated Phloroglucinol BP….40mg, Trimethylphloroglucinol AGP….0.04mg/Ampoule]</td><td>B5601</td><td>M/S AGP Limited, B-23-C, S.I.T.E., Karachi</td><td>0100-P/2022</td><td>Specifications applied: MS
<table>
<tr><th>Assay</th><th>Stated</th><th>Found</th><th>Limit</th><th>Percentage</th><th>Comments</th></tr>
<tr><td>Hydrated Phloroglucinol</td><td>40.0mg/4 ml ampoule</td><td>39.96mg/4ml ampoule</td><td>95.0 – 105.0%</td><td>99.9%</td><td>Comply</td></tr>
<tr><td>Trimethylphloroglucinol</td><td>0.04 mg/4ml ampoule</td><td>0.03286mg/4ml ampoule</td><td>90.0 – 110.0%</td><td>82.17%</td><td>DOES NOT COMPLY</td></tr>
</table>
<u>Does not comply with manufacturer specifications</u>

<u>Result</u>: The sample is of <u>Substandard</u> quality on the basis of tests performed.</td></tr>
</table>

vii. A copy of NIH Test Report was sent to M/S AGP Limited, B-23-C, S.I.T.E., Karachi, with directions to provide the requisite information and to explain their position in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the above- accused persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

a. **Manufacturing for sale/ Sale of Substandard drug**

b. **Issuance of false warranty**

3. Show-cause notice issued to accused person(s).

REPLY OF FIRM IN RESPONSE TO SHOWCAUSE NOTICE:

M/S AGP Limited, B-23-C, S.I.T.E., Karachi submitted written reply vide ref number RA/Misc./0108/2024 dated 30-08-2024 as follows:

1. The said batch was declared substandard by Drugs Testing Laboratory, Lahore as per the following results dated 07:01 2022 Assay of Phloroglucinol Dihydrate 121.93% **(Does not comply)**

Assay of Trimentyl P'hloroglucinol: 56 88% **(Does not comply)**

2. Furthermore, the satie batch was retested by NIII and declared substandard on the basis of following results dated 18.07.2022 Assay of Phloroglucomol Dihydrate 99.9% **(Complies)**

Assay of Trimchtyl P'ldoroghuemol: 82.17% **(Does not comply)**

3. There is a significant difference between the two resuhs from DIL. Lahore and NIII, Islamabad. However, we have conducted repeat testing and also had it tested at Internationally accredited laboratory at II Research Institute of Chemistry (ICCBS Karachi), with both results found to be satisfactory (Reports attached)

4. Anafortan Plus Injection is registered product from year 2006 & the history shows that there is no such type of issue reported related to the assay of the product (DTL. reports enclosed), therefore, ather thorough deliberation and consideration, we have concluded that the following possible errors may have caused the significam variation in the results:

Preparation of the working standard:

- Accurately weigh 10mg of Trimethyl Phloroglucinol standard in 100ml volumetric flask & make up the solution upto the mark with dilution solvent
- Accurately weigh 100mg of Phloroglucinol standard in 100ml volumetric flask and disolve in 50ml of diluent solvent. Then add iml of Trimethyl Phloroglucinol solution in 100ml volumetric flask containing
- Phloroglocinol, then sonicate for 05 minutes & make up the volume with solvent, Precautions: 10mg weighing of Trimethyl Pidoroglucinol standard requires accutate precision, slight variation in weighing will result high impact of variation. Furthermore, transfer of îmi standard solution from flask A to flask I also requires accurate pipetting (air bubble in pipette causes false results)

Preparation of Sample Solution:

- Accurately take 5ml sample into 50ml volumetric flask & make up the volume with diluent solution, slight variation in measuring will have high impact on the result.

Chromatographic Condition, Glassware & Reagent:

- Microbalance
- Direct weighing
- Wavelength of 205nm for Trimethyl Phloroglucinol & 270nm for Phloroglucinol Dihydrate.
- Class A glassware (graduated pipette instead of volumetric pipette) & standard HPLC grade chemicals.
- D2 lamp standard hours needs to be reviewed.

Apart from the above-mentioned human and instrumental errors, miscalculation and typographical errors cannot be ruled out which can cause contradicting results. Therefore, in the light of above mentioned facts and figures you are requested to kindly accept our justification and clarification and give due consideration to our case as our said product has never been a part of such case in the past.

Personal Hearing notice issued to accused person(s).

Sr.	**Summary of the case**	
1.	**Date of sampling**	11-10-2021
2.	**Sent to DTL**	11-10-2021
3.	**Date of receipt in DTL**	14-10-2021
4.	**Issuance of DTL Report**	07-01-2022
5.	**Time Extension**	237th meeting dated 30-12-2021

6.	**1st DI Communication with firm**	**25-01-2022**
7.	**Retesting Request**	28-01-2022
8.	**Fate of retesting request**	Allowed 242nd meeting dated 14-04-2022 (Substandard)
9.	**Investigation Report of DI**	26-06-2023
10.	**Permission of SCN**	265th meeting dated 03-08-2023
11.	**SC Notice Issued**	08-08-2024
12.	**Reply of the firm**	30-08-2024
13	**History (3 years)**	3 cases of the firm 2 case of the product

Case is placed before the Board for decision.

PROCEEDINGS & DECISION BY THE BOAR

Case No. 38

PQCB/R-823/2019

Tehsil Kahror Pacca, District Lodhran

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Don Valley Pharmaceuticals Pvt. Ltd, 31-km, Main Ferozepur Road, Lahore-Pakistan** through its Chief Executive Officer Dr. Shehla Javed Akram 2. Dr. Shehla Javed Akram — Chief Executive Officer 3. Muhammad Yamin — Production Incharge/ Warrantor 4. Darakhshan Kamran — Quality Control Incharge Of **M/s Don Valley Pharmaceuticals Pvt. Ltd, 31-km, Main Ferozepur Road, Lahore-Pakistan.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of drugs, Tehsil Kahror Pacca District Lodhran reported that:

i. The then Drug Inspector, on 26-10-2019, inspected the business premises of M/s Makki Medical Store, situated at Railway Chowk, Kahror Pacca, took sample of two different types of drugs on Form No.04 for the purpose of test/analysis and sent the subject drug sample to Drug Testing Laboratory, Multan vide memorandum No. 0000050871 dated 28-10-2019.

ii. Following drug sample, after test/analysis, was declared **Substandard** by Government Analyst, Drug Testing Laboratory, **Multan** as detailed below:

Name of drug	Batch No.	Name of manufacturer	DTL Report TRA No. & Date	DTL Test Report Results
DV-cipro (Ciprofloxacin as HCl 500mg) Film coated tablet **Mfg. date:** **May-2019** **Exp. date:**	8022	M/s Donvalley Pharmaceuticals Pvt. Ltd, 31-km, Main Ferozpur Road, Lahore-Pakistan	TRA No. 01-56010083/DTL Dated: -06-12-2019	**Result of Test/ Analysis with specifications applied:** USP 2018 Description: Yellow colored oblong shape coated tablet plain on one side and D.V en ALU-ALU blister of 10 units. **DISSOLUTION TEST**: Does not comply with the specifications as described below: **Tolerance Limit:** NLT 80% (Q) of the labeled amount of ciprofloxacin is dissolved in 3

LEVEL	UNITS	% RELEASE						AVER
		No unit is less than **Q+5%.						S
S1	6	*U#1	U# 2	U#3	U# 4	U#5	U# 6	

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065691

Determined		58.81	66.91	59.94	66.68	66.53	64.21	
S2	6	**Average of 12 units (S1 + S2) is equal to or greater than Q, and no unit is less than Q-15%**						S1 +
		U# 1	U# 2	U#3	U#4	U#5	U# 6	(67.2
Determined		74.93	71.29	66.87	64.47	73.23	73.15	
S3	12	**Average of 24 units (S1+S2+S3) is equal to or greater than Q, and NMT 2 unit are less than Q-15% and no unit is less than Q-25%.**						
		U#1	U#2	U#3	U#4	U#5	U#6	
Determined		68.62	71.17	78.59	59.92	82.26	70.29	S1+ S
		U#7	U#8	U#9	U#10	U#11	U#12	(69.4
Determined		70.06	58.56	77.40	71.17	76.36	76.52	

** The quantity Q, is specified amount of dissolved active substance, expressed as per claim.

Assay: Ciprofloxacin

Stated	**Determined**	**Percentage**	**L**
500mg/tab	525.7 mg/tab	105.14% (Complies)	9

Weight Variation: Limit ± NMT 2 tablets Average 758.99 mg

RESULT: The above sample is Sub-standard on the basis of Dissolution Test.

iii. M/s Makki Medical Store, situated at Railway Chowk, Kahror Pacca submitted Invoice/warranty No. 147363 dated 21-10-2019 issued by M/s Rehmani Medicine Company, Near Small Canal Bahawalpur Road, Lodhran as a proof of its purchase of the said drug.

iv. Warrantor Portion of the drug sample was sent to M/s Rehmani Medicine Company, Near Small Canal Bahawalpur Road, Lodhran who in turn submitted Invoice/warranty No. 1209-1140-92 dated 13-06-2019 issued by M/s Donvalley Pharmaceuticals Pvt. Ltd, 31-km, Main Ferozepur Road, Lahore-Pakistan.

v. A copy of test report was sent to M/s Donvalley Pharmaceuticals Pvt. Ltd, 31-km, Main Ferozepur Road, Lahore-Pakistan and they were asked to provide requisite information in this regard.

2. The Drug Inspector requested for grant of permission for prosecution against the accused person(s), who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for sale/sale of the Substandard drug**
b. **Issuance of false warranty**

3. Show-cause notice(s) issued to accused person(s) vide 18-08-2023.

Reply to Show cause notice:

Firm vide letter dated 11-09-2023, submitted reply to show cause notice as follows;

1. Please refer to the subject cited above. By way of the instant letter, M/s Don Valley Pharmaceuticals (Pvt.) Ltd. (the "Company" or "Don Valley") seeks to reply to the show cause notice bearing reference No. PQCB/R-823/2019 dated 18-08-2023 whereunder your good-self has instructed us to show cause as to why any legal action including but not limited to the initiation of prosecution before the Honourable Drug Court and cancellation/suspension of the Drug Manufacturing/Sale License along with the Drug Registration may not be taken against us for allegedly contravening the provisions of the Drug Laws by allegedly manufacturing/selling a substandard drug and issuing a false warranty in respect thereof.

2. At the very out-set, we would like to submit that we are one of the leading national pharmaceutical companies in the country having a state-of-the-art manufacturing facility wherein premium quality pharmaceutical products are manufactured in strict adherence with the requirements stipulated under the Drug laws, the Good Manufacturing Practices as-well as the pharmacopeial guidelines. It is pertinent to mention that our pharmaceutical products are being increasingly prescribed by healthcare practitioners all across the country on account of their high-quality, efficacy and safety. It is in this context, that we intend to refute and deny the incorrect, flawed and defective findings of the Government Analyst of the Drug Testing Laboratory, Multan rendered vide Test Report No. TRA. 01- 56010083/DTL dated 06-12-2019 (the "DTL Report") whereby our product, namely, DV- Cipro 500mg Film-Coated Tablets Batch No. 8022 (the "Product") has allegedly been declared as "substandard" on the basis of the results of the Dissolution test.

3. In response to the baseless allegations levelled against us in the subject Show Cause Notice, we would like the submit the following:

i. Pursuant to the intimation of the findings contained in the DTL Report, we have thoroughly reviewed our batch manufacturing record and have conducted extensive testing on our retained samples wherein it has transpired that the subject batch is fully compliant with the limits prescribed under the requisite specifications i.e., USP, 2018. Even otherwise, the subject batch was only released in the market once our quality control department had confirmed that the same was of standard quality. The foregoing fact is evinced by the Certificate of Analysis which also states that the Product is compliant with the parameters defined under USP, 2018. As such, the findings furnished by the Government Analyst vis-à-vis the quality of our Product are completely baseless, without any merit, and incapable of being relied upon.

ii. In view thereof, since the Product is of standard quality, it is highly likely that the Government Analyst has provided an inaccurate result due to the occurrence of several extraneous reasons including but not limited to a non- calibrated apparatus used at the time of the testing of the sample of the Product. It is a settled position that a non-calibrated apparatus causes significant temperature fluctuations in the temperature of the RPM of the apparatus resulting in inaccurate and incorrect findings in relation to the dissolution of the Product. Even otherwise, the non-maintenance of the storage conditions may have affected the texture of the coating of the Product causing hindrances in the same being dissolved properly in the prescribed time period. Accordingly, the Company and/or its concerned officials cannot be held liable for the aforesaid discrepancies and infirmities that have clearly not occurred due to any fault in the manufacturing of the Product.

iii. Even otherwise, the DTL Report is inadmissible on several accounts including but not limited to the fact that the

Government Analyst has failed to provide the testing protocols employed to test the Product. In the absence of the protocols and the procedure employed to ascertain the results mentioned in the DTL Report, no liability vis-à-vis the same can be placed upon the Company and/or its officials. In this regard, it is both crucial and critical for this Honorable Board to conduct a detailed investigation in the subject case to determine the actual external reason that has led to the alleged variation in the Product.

iv. Moreover, we would also like to highlight that the retesting request made with respect to the Product is pending till date and no final determination vis-à-vis the same has been made so far. As such, the initiation of any adverse proceedings against us during the pendency of the retesting request is violative of the scheme of the Drug Laws as-well as the principles of natural justice.

4. Notwithstanding the absolute innocence of the Company and its officials, please note the following information and find attached the relevant documents as per your requirement:

i. Saad Javed Akram (Managing Director)

ii. Mr. Muhammad Yamin (Production In charge)

iii. Miss Darakhshan Kamran (Quality Control In-charge)

iv. Registration Letter of the Product.

v. Copy of Drug Manufacturing License.

5. It is a matter of fact that the DTL Report entails grave penal and regulatory consequences for the Company and its officials who have certainly not contravened the provisions of the Drug Laws and the rules framed thereunder, rather have shown strict compliance thereof. Hence, the initiation of any adverse proceedings against the Company and/or its officials due to the negligence and/or omissions of third parties shall be violative of the principles of justice and equity.

6. Accordingly, it is most respectfully requested that the subject Show Cause Notice under reply and all subsequent proceedings may kindly be withdrawn in the interest of justice and equity and/or in the alternative the subject case against the Company may be deferred till the testing and issuance of a report by the National Institute of Health, Islamabad.

4. Personal Hearing notice(s) issued to accused person(s) dated 16-09-2024.

PREVIOUS PROCEEDINGS AND DECISION BY THE BOARD:

PQCB's 285th meeting held on 26-09-2024:

5. Case was considered by the Provincial Quality Control Board under section 11 of the Drug Act 1976 in its **285th Meeting held on 26-09-2024** under the Chairmanship of Secretary, Primary and Secondary Healthcare Department, Punjab (Chairperson PQCB). Mr. Waqar, Secretary DQCB, Lodhran attended the meeting via zoom link and Mr. Mazhar Shabeer Drug Inspector, Kahror Pacca, District Lodhran, was present along with original case record. No one among the nominated accused persons of **M/s Donvalley Pharmaceuticals Pvt. Ltd, 31-km, Main Ferozepur Road, Lahore-Pakistan** was present. However, Muhammad Ishfaq (QCM) along with Fatima Zahid (Advocate) and Fatima Abbas (Advocate) were present on behalf of the firm.

6. The case was left-over due to time constraint.

Personal Hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Mfg. date:05-2019**
- **Exp. Date: 05-2021**
- **Sampling date (Form 4): 26-10-2019**
- **Sent to DTL (Form 6): 28-10-2019**
- **Date of receipt in DTL: 30-10-2019**
- **DTL Report Date (Form 7): 06-12-2019**
- **Time Extension to DTL: report not Time Barred**
- **DI 1st intimation to firm: 24-12-2019**
- **Retesting request if any: Yes, on 03-02-2020**
- **RRT conveyed by DI to PQCB: 10-02-2020**
- **Fate of Retesting Request: Not Entertained (Sample expired and issue was placed along with other samples in 248th -M dated: 04-08-2022, wherein the Board directed to complete the investigation and place before the Board.)**
- **Investigation report Dated: 25-03-2022**
- **Permission of SCN: 259th meeting, dated 18-04-2023**
- **SCN Issued: 18-08-2023**
- **Reply of the firm Yes (11-09-2023)**
- **History (3 years) Firm: 41 case**
- **Product: 00 case**

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 39

PQCB MSS-174720/2023

Sher Shah Town Multan

ATTENDANCE:

Secretary DQCB Drug Inspector	**Accused Persons involved in subject case** 1. **M/s Chiesi Pharmaceuticals (Pvt.) Limited, Office # 4, 4th Floor, Askari Corporate Tower, 75/76 D-1, Main Boulevard Gulberg-III, Lahore, Pakistan,** through its MD/CEO/ Proprietor, Umar Masood. 2. Umar Masood Managing Director 3. Abdul Waheed Qualified Person 4. Dr. Mehreen Obaid Warrantor of **M/S Chiesi Pharmaceuticals (Pvt.) Limited, Office # 4, 4th Floor, Askari Corporate Tower, 75/76 D-1, Main Boulevard Gulberg-III, Lahore, Pakistan**

BREIF FACTS OF THE CASE

Provincial Inspector of Drugs, Sher Shah Town Multan, reported that:

i. The then Drug Inspector, on 04-09-2023 inspected the premises of Medicine Store, The Children's Hospital & The Institute of Child Health, Multan, took a drug sample on Form 4 for the purpose of test/analysis and sent to Drug Testing Laboratory, Multan vide memorandum no. 174720 dated 04-09-2023.
ii. Following drug sample, after test/ analysis declared as **Substandard** & **Misbranded** by Government Analyst, Drug Testing Laboratory, **Multan** as detailed below: -

Name of Drug	Batch No.	Name of Manufacturer	DTL Report	DTL Test Report Result
Inhalation Solution Atem 0.025% 2ml [each single 2ml uni vial contains Ipratropium Bromide monohydrate 0.5218mg eq to Ipratropium bromide 0.50mg] **Mfg Date:** 03.2023	1166263	M/S C.O.C. Farmaceutici SRL for Chiesi Farmaceutici S.P.A., Via Modena 15-40019 Santa Gata Bolognese	01-105004416/DTL Dated. 03.11.2023	**Analysis with specifications applied:** **USP 2023** **Description:** Clear colorless solution filled in 2ml plastic vial **Note:** As per DRAP Order No. F.3-5/2020-1 & V-II (M-297) dated 7 February, 2022 states, **"All registration holders shall follow official pharmacopeial specification for all such formulations for which official monographs of drug product is available in the most recent edition of such pharmacopoeia".** Product specification of given sample is **"manufacturer Specs"** and it is manufactured after the expiration of timeline to apply such specifications despite the availability of **"Ipratropium Bromide Inhalation Solution"** monograph in **USP, 2023**. So, the manufacturer's claim regarding the product specification is in contradiction to DRAP circular and in violation to Drugs Act 1976. **THEREFORE, THE PRODUCT IS MISBRANDED**

Exp Date: 03.2025 **Registration No.** 033167				**pH:** Limit: 3.0-4.0 Determined: 5.30 **(Not Comply)** **Identification:** Ipratropium Bromide identified **Assay of Ipratropium Bromide:** **Stated: 0.5mg/2ml** **Determined: 0.474 mg/2ml** Percentage: 94.93% Limit: 90-110% Complies **Sterility Test:** it conforms **to** Sterility test. **Result:** The sample is declared as **"SUB-STANDARD**" on the basis of pH Test & **"MISBRANDED"** as defined under section 3(s) (iv) of the Drugs Act 1976, in compliance to DRAP Order No. F.3-5/2020-1 & V-II(M-297)/ Human Import dated 7th February, 2022.

iii. Drug Inspector seized stock vide letter form 5 dated 11-11-2023.
iv. Store Keeper, Medicine Store, The Children's Hospital & The Institute of Child Health, Multan, provided Invoice/Warranty No. 2418/08/23 dated 08-08-2023 issued by M/S Chiesi Pharmaceuticals (Pvt.) Limited, Office # 4, 4th Floor, Askari Corporate Tower, 75/76 D-1, Main Boulevard Gulberg-III, Lahore, Pakistan as a proof of its purchase.
v. Warrantor portion of drug sample was sent to M/S Chiesi Pharmaceuticals (Pvt.) Limited, 60/1 A-xx, Phase-III Commercial Zone, Kheyabani Iqbal DHA, Lahore, Pakistan.
vi. Copy of test/analysis report was sent to M/S Chiesi Pharmaceuticals (Pvt.) Limited, 60/1 A-xx, Phase-III Commercial Zone, Kheyabani Iqbal DHA, Lahore, Pakistan and they were directed to explain their position and to provide the requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the above- accused persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976/DRAP Act 2012 and Rules framed there under by the way of: -

a. **Import/ Stocking/ sale of Substandard an Misbranded drug**
b. **Issuance of false warranty**

3. Show-cause notice issued to accused person(s).

REPLY OF FIRM IN RESPONSE TO SHOWCAUSE NOTICE:

M/S Chiesi Pharmaceuticals (Pvt.) Limited submitted written reply vide ref no. MO/08-7761/2024 dated 22nd August, 2024 as follows:

1. *Please refer to the subject cited above. We, Chiesi Pharmaceuticals (Pvt.) Ltd. (the "Company" or "Chiesi") are in receipt of the show cause notice bearing reference No. PQCB/MSS-174720/2023 dated: 16-08-2024 where-under we have been directed to show cause under Section 11 of the Drugs Act, 1976 and Rule 5 of the Punjab Drug Rules, 2007 for our registered product, namely, Atem Batch No.1166263 (the "Product") allegedly been declared as substandard and misbranded by the Government Analyst of the Drug Testing Laboratory, Multan vide TRA No: TRA-01-105004416/DTL dated: 03-11-2023 (the "DTL Report") as to why any legal action including but not limited to initiation of prosecution before the*

Honorable Drug Court as-well as cancellation/suspension of Drug Manufacturing/Sale license along with the Drug Registration may not be taken against us for allegedly contravening the provisions of the Drug Laws and the rules framed thereunder. In response to the allegations levelled against us in the subject show cause notice, we would like to submit the following:

1. Product should not be considered as "Sub-standard" and "Mis-Branded" as testing was not carried out in accordance with innovator's specifications applicable at the time of testing/analysis,

2. Analysis results of DTL fall within the limits of innovator specifications provided to the DTL Faisalabad vide letter reference No: MO/10-7631/2023 dated: 25th October 2023, hence the product is of Standard quality and cannot be declared as "Sub-Standard" based on PH limit and "Mis-Branded".

3. DRAP approval for "Innovators Specs" approval has already been received and DTL report results should be considered in light of innovators specs.

i. Stocks were supplied to CEO DHO - Sialkot vide invoice No: 2420/08/23 dated 08-08-2023. Copy attached as Annex 01.

ii) Samples were submitted to Drug testing laboratory, Rawalpindi and DTL report was issued on 06-11-2023 vide TRA No:01-68026080/DTL

iii) DTL report was provided to us vide DI letter No: DC/289/SKT dated: 16-12- 2023. Copy attached as Annex 02.

iv) Response to letter was submitted vide letter No: MO/01-989/2024 dated: 04- 01-2024. Copy of receiving attached as Annex 03.

We would like to explain our position as below;

Chiesi Farmaceutici S.p.A Parma, Italy is the originator of the product and testing parameters have been set according to general monographs appearing in European Pharmacopoeia (EP) which is a recognized Pharmacopoeia but do not report finished pharmaceutical product monograph.

In compliance of the circular bearing reference No.F.3-5/2022/18V-11 (M-297) dated 07-02-2022 (the "Circular"), we analyzed our current specifications with that of British Pharmacopoeia and found out that there was difference in "PH" parameter limit. (EP reports 3-10 for nebulizing solutions while BP reports 3-4). EP monograph for PH attached as Annex 04.

ii) In order to comply to DRAP regulation, our Global Manufacturing division initiated re-formulation studies to align British Pharmacopoeia specifications as there was a difference in PH parameter (To align that parameter it was obligatory to perform re-formulation studies including validation and stability studies). Studies were completed and results were submitted to DRAP to proceed for approval of "Innovator's Specifications". A copy of submission was also provided to DTL vide letter No: MO/10-7631/2023 dated: 25 October 2023 in response to request letter for specifications and test method. Copy attached as Annex 05.

iii) Upon receipt of the DTL Report, we have also thoroughly reviewed, and it was observed that the testing has not been carried out in accordance with innovator's specifications provided vide letter No: MO/10-7631/2023 dated: 25 October 2023. As such, the alleged deviation observed by the Government Analyst is solely attributable to not testing the Product properly in accordance with the applicable/prescribed specifications.

iv) A perusal of the DTL Report reveals that the PH of the Product has been determined on the basis of the limits prescribed under the United states Pharmacopeia 2023 (the "USP") which is not the prescribed and/or applicable specification in the present case. In context of the present case, it was incumbent upon

the Government Analyst to test the Product as per the Innovator specifications. However, no such exercise has been carried out and Incorrect findings have been rendered vis-à-vis the quality of the Product. DTL report shows the analysis results fall within the innovator specs limits. In this regard, it is evident that our Product is of standard quality and completely safe for usage. All allegations levelled against us vis-à-vis our Product substandard are thus denied. Copy of DTL report attached as Annex 06.

v) DRAP Issued specifications approval vide DRAP letter No F 5-5/2023-18V-11 (108th PRVC) dated 4th December 2023. Copy attached as Annex 07

vi) Request letter from the firm was submitted vide letter No: MO/12-872112023 dated 04th December 2023 for (Copy attached as Annex 08),

1. Approval of existing "innovator's specifications" to cover existing supplies already supplied to government institutions and available in the market.

II. Approval of Grace Period for mentioning "BP Specs" on product packaging as new formulation stocks (in alignment with BP specs) will be received from

January 2024 onwards but product packaging mentions "Innovator's specifications instead of "BP specs". vii) Request letter was approved vide DRAP letter No: F.1-2/2020-18V-II/Human Import dated: 18th December 2023 acceding the request letter of Chiesi for Garce period and approval of existing specifications to "Avoid the shortage of Atem". Copy attached as Annex 09.

In view of the foregoing submissions, it is clear that the company has certainly not manufactured a substandard and/or misbranded drug as company was in process of product re-formulation in alignment with United States Pharmacopoeia specifications and re-formulation takes time before commercialization of the product. All allegations levelled against us in this regard are without any merit. Hence, the initiation of any adverse action against the Company and/or its officials shall be violative of the principles of fair trial and due process enshrined under Article 10-A and Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. We have already received DRAP approval for previous specifications covering the supplies already in market and new specifications approval in line with British Pharmacopoeia.

Personal Hearing notice issued to accused person(s).

Sr.	**Summary of the case**	
1.	**Date of sampling**	04-09-2023
2.	**Sent to DTL**	04-09-2023
3.	**Date of receipt in DTL**	05-09-2023
4.	**Issuance of DTL Report**	03-11-2023
5.	**Time Extension**	N/A
6.	**1st DI Communication with firm**	**11-11-2023**

7.	**Retesting Request**	No.
8.	**Fate of retesting request**	N/A
9.	**Investigation Report of DI**	01-06-2024
10.	**Permission of SCN**	282nd meeting dated 24-07-2024
11.	**SC Notice Issued**	16-08-2024
12.	**Reply of the firm**	22-08-2024
13	**History (3 years)**	16 cases of the firm 1 case of the product

Case is placed before the Board for decision.

PROCEEDINGS & DECISION BY THE BOARD:

Case No. 40

PQCB/ SM-02-02/2023`

Tehsil and District Lodhran

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan** through its Chief Executive Officer Mian Shafiq-ur-Rehman 2. Mian Shafiq-ur-Rehman Chief Executive Officer 3. Nazia Arif Production In-charge 4. Shazia Qadeer Quality Control In-charge 5. Syed Sibatain Asghar Zaidi Warrantor Of **M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan**

BRIEF FACTS OF THE CASE:

Provincial Inspector of drugs Tehsil & District Lodhran reported that:-

i. He, on 16-08-2022, inspected the business premises of M/s Rehmani Medicine Company, Aziz Town, near small canal, Lodhran, seized the following drug sample on Form No. 05 dated 16-08-2022.

Sr. No.	Name of drug	Batch Number	Manufactured by	Quantity	Reason of seizure
1	Cobalex Vitamin B-12 Injection USP IM/IV 1 ml	CX-296	M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan	100	**Misbranded** Violation of Packing/Labelling specification of USP. (The seized drug is packaged in transparent glass ampoules, and 100 transparent glass ampoules are packed in an outer carton. The U.S.P monograph of cyanocobalamin injections requires that the drug must be preserved in light resistant container. Light resistant container is further described in USP as ‘’**a container-closure system that protect the contents from effect of light by virtue of the specific properties of the material of which it is composed, including any coating applied to it. A clear container may be made light resistant by mean of opaque covering or by use of secondary packaging is needed until the articles are to be used or administered**’’ The requisite statement that ‘’**the secondary packaging is needed until the articles to be used or administered’’** is not mentioned on the packaging of the drug (hence, found misbranded).

ii. He also took following drug samples on Form No.04 for the purpose of test/analysis and sent to Drug Testing Laboratory, Multan vide memorandum no. 0000136889 and no. 0000136888 dated 17-08-2022.

Sr. No.	Name of drug	Batch Number	Manufactured by	Status
1	Diclofil SR-100 Capsule	153	M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan	The sample of Diclofil SR-100 capsules could not be tested and analyzed due to non-submission of method of analysis of Diclofil SR-100 capsules within stipulated time.
2	Cobalex Vitamin B-12 Injection USP IM/IV 1 ml	CX-296	M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan	The sample of cobalex injections was declared of standard quality by Drug Testing Laboratory, Multan via TRA no. 01-94005440/DTL dated 11-10-2022.

iii. M/s Rehmani Medicine Company, Aziz Town, near small canal, Lodhran submitted Invoice/warranty No. 22951 dated 12-02-2022 and Invoice/warranty No. 20287 dated 24-08-2021 issued by M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan as a proof of its purchase of the Capsules Diclofil SR-100 mg & Injection Cobalex 1 ml.

iv. Warrantor Portion of the drug samples was sent to M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan and they were asked to provide requisite information in this regard.

v. A copy of test report of the subject drug sample was sent to M/s Murfy Pharmaceuticals Pvt. Ltd. 8 KM, Raiwind Road, Lahore-Pakistan and they were asked to provide requisite information in this regard.

2. Drug Inspector requested for grant of permission for prosecution against the persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended)/DRAP Act 2012 and Rules framed there under by the way of:

a. **Manufacture for Sale/ Sale of the Misbranded "Cobalex Vitamin B-12 Injections"**
b. **Issuance of false warranty for 'Cobalex Vitamin B-12 Injections**
c. **Violation of registration condition of Diclofil SR-100 Capsules**

3. Show cause notice(s) issued to accused person(s) dated 05-05-2023.

Reply to Show Cause Notice:

Kindly refer to your letter No: PQCB/SM-02-02/2023 dated: 30-05-2023 received on 08-06-2023 on the above referred subject.

The requisite information is given below:

Name	
1. Mian Shafiq-ur-Rehman	**Chief Executive**
2. Mrs. Shazia Qadeer	**Quality Control Incharge**
3. Mrs. Nazia Arif	**Production Incharge**

4. Syed Sibtain Asghar Zaidi Warrantor

Misbranded Cobalex Vitamin B12 Injection:

Respectfully submitted that now we are packing the said product in light resistant Amber

Glass Ampoules. It is further packed in beehive unit carton containing 100 Ampoules. Therefore, we have complied with the USP requirements.

It has been declared to be of standard quality by the DTL Multan vide test report No: TRA No: 01-94005440/DTL dated 11-10-2022.

Method of Analysis of Diclofil SR-100 Capsules:

Respectfully submitted that we never received any letter from the DTL Multan. It may be because of postal error.

However, on receipt of intimation from the inspector of drugs Lodhran we supplied the Method of analysis to DTL Multan Vide our letter No: MP/DTL dated 12-12-2022 (copy enclosed).

It is further submitted that in the past, the DTL Multan have been testing this product according to the manufacturer's specifications as the Method of Analysis was available with it. For reference the following test reports are enclosed here with.

Product: Diclofil SR-100 Capsules:

It is submitted that we have not violated the registration condition of our product Diclofil SR-100 Capsules.

Sr #	Test report No:	Dated:	Specifications:	Result:
1	TRA-2609	14-03-2016	Manufacturer's Specifications	Standard Quality
2	TRA-3993	13-04-2016	Manufacturer's Specifications	Standard Quality
3	TRA-8089	15-11-2016	Manufacturer's Specifications	Standard Quality

In view of the above it respectfully prayed that lenient view may kindly be taken in the matter

Personal Hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

Summary of the case:

- **Form 5: 16-08-2022**
- **Sampling date (Form 4): 16-08-2022**
- **Sent to DTL (Form 6): 17-08-2021**

- **Cobalex declared of standard quality by DTL, however, MOA for Capsule Diclofil SR not provided by the firm**
- **DTL requested the firm for MOA (Diclifil SR-100) vide letters dated: 29-08-2022**

10-09-2022

20-09-2022

- **DTL intimated the DI and filed the case on: 30-11-2022**
- **Investigation report Dated: 10-01-2023**
- **Permission of SCN: 258th meeting dated 05-04-2023**
- **SCN Issued: 30-05-2023**
- **Reply of the firm Yes**
- **History (3 years) Firm: 01 case**
- **Product: 00 case**

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 41

PQCB/SM-05-05/2021

Nandipur Town Gujranwala

ATTENDENCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/s Bio-Labs Plot No. 145 Industrial Triangle, Kahuta Road, Islamabad** through its Chief Executive Officer/ Managing Director Usman Shoukat 2. Usman Shoukat — Chief Executive Officer/ Managing Director 3. Naveed Anjum — Production Manager 4. Muhammad Shaukat — Quality Control Manager/ Warrantor 5. Imran Sheikh — Distribution Manager Of **M/s Bio-Labs Plot No. 145 Industrial Triangle, Kahuta Road, Islamabad.** 6. Arshad Rauf — Proprietor Of **M/s Dawn Drug Agencies 39-B Satellite Town, Gujranwala.**

BRIEF FACTS OF THE CASE:

Provincial Inspector of drugs Nandipur Town, Gujranwala reported that:-

i. He, alongwith other team members, on 26-09-2020, in persuance to the Chief Drugs Controller Office letter no. CDC/P&S/R-426/2020 dated 24-9-2020 with reference to DRAP Letter NO. F.No.03-40/2020-(QC), dated 15-9-2020 regarding Colicraft Lyphilized powder for injection, Batch No. L-279, Manufactured by M/s Biolabs (Pvt.) Ltd. Islamabad, which has been declared substandard by Federal Governmet Analyst, CDL, Karachi, inspected the business premises of M/s Dawn Drug Agencies, 39-B Satellite Town, Gujranwala and recoved/ seized the two drug/article on Form-5 as follows:

Sr. No.	Name of drug	Batch No.	Name of manufacturer	Quantity	Reason For Seizure
1	Colicraft 1MIU	L-279	M/s Bio-Labs Industrial Triangle Kahuta Road, Islamabad	40	• Sale/Stock of Government Property not for sale [Govt. KPK MTI-MCC supply not for sale] • Sale/ Stock of Sub-standard Drug (with reference to CDC Office letter no. CDC/P&S/R-426/2020 dated 24-9-2020 • Issuance of false warranty • Dirt and dusty premises

2	Invoice/ warranty no. 21149 dated 06-03-2020 issued by M/s Bio-Labs Pvt. Ltd. To M/s Dawn Drug Agencies of Colicraft Inj 1MIU

ii. M/s Dawn Drug Agencies, 39-B Satellite Town, Gujranwala were directed to explain their position and provide requisite information in this regard.
iii. M/S Bio-Labs Plot No. 145 Industrial Triangle, Kahuta Road, Islamabad were also directed to explain their position and provide requisite information in this regard

2. Drug Inspector requested for grant of permission for prosecution against the above- accused persons nominated in the instant case who have contravened the provisions of Section 23/27 of the Drugs Act 1976(as amended) /DRAP Act 2012 and Rules framed there under by the way of: -

M/s Bio-Labs Industrial Triangle Kahuta Road, Islamabad	
Usman Shoukat (Chief Executive Officer/ Managing Director)	**a.Manufacture for sale/ Sale of Substandard drug** **b.Sale of Government Property not for sale (Govt. KPK M.T.I MCC supply not for sale)** **c.Failure to recall the drug after being declared substandard**
Naveed Anjum (Production Manager)	**a.Manufacture for sale/ Sale of Substandard drug** **b.Failure to recall the drug after being declared substandard**
Mohammad Shoukat (Quality Control Manager/ Warrantor)	**a.Sale/ Stock of Substandard drug** **b.Sale/ stock of Government Property not for sale (Govt. KPK M.T.I MCC supply not for sale)** **c.Issuance of false warranty**
Imran Sheikh (Distribution Manager)	**a.Sale/ Stock of Substandard drug** **b.Sale/ stock Government Property not for sale (Govt. KPK M.T.I MCC supply not for sale)** **c.Issuance of false warranty**
M/s Dawn Drug Agencies 39-B Satellite Town, Gujranwala.	
Arshad Rauf Proprietor Of **M/s Dawn Drug Agencies 39-B Satellite Town, Gujranwala.**	**a.Sale/ Stock of Substandard drug** **b.Sale/ Stock of Drugs without sale/ purchase record** **c.Sale/ stock of Government Property not for sale (Govt. KPK M.T.I MCC supply not for sale)**

	d.Dirty and dusty premises (Violation of Schedule H of Drug Act 1976)

3. Show-cause notice(s) issued to the accused dated 18-05-2021

REPLY OF M/S DAWN DRUG AGENCIES 39-B SATELLITE TOWN, GUJRANWALA IN RESPONSE TO SHOW CAUSE NOTICE:

4. M/s Dawn Drug Agencies 39-B Satellite Town, Gujranwala submitted written reply vide ref no. nil dated 01-06-2021 stating that:

"With reference to your No. PQCB/SM-05-05/2021 Dated 18-05-21 regarding sampling of Colicraft 1 MIU Injections Batch # L-279.
It is submitted that the said stock was dispatched to my distribution setup mistakenly and fallaciously by office of Bio- Labs (PVT) LTD. Islamabad on about one week before inspection, of concerned Drug Inspector, which was discussed with Distribution Manager of Bio-Labs (PVT) LTD. and he also issue letter dated 26.09.20 regarding return of stock of Colicraft 1 MIU Injections Batch # L-279 (40 Injections) which clearly indicate that this stock does not belong to me.
Sir, on 26.09.20 concerned Drug Inspector came to my distribution setup and asked about this stock which was handed over to him while giving my statement on blank Form-5 which is handed over to me afterward from the office of concerned Drug Inspector on 05.10.20 along with impugned explanation letter No.520-09/DI/NDPT/GRW DATED 05.10.20.
Sir, as per allegations imposed on me vide this above mentioned show cause letter, I clearly negate these allegations on behalf of following facts and documentary evidences.
1. Sale/Stock of substandard drug (with reference to CDC office letter no. CDC/P&S/R-426/2020 and DRAP letter no. F.No.03-40/2020-QC)
Sir, I am not authorized distributor of M/S Bio-Labs (PVT) LTD. Islamabad with reference to Colicraft 1 MIU Injection and never demand this Colicraft 1 MIU injection for sale purpose in my area of distribution. Therefore as mentioned above that this stock was delivered to me mistakenly by company. Hence, I cannot be levelled.
2. Sir, As per Form-5 concerned Drug Inspector recovered 40 Injections from me on 26-09-2020 and as per copy of letter No. nil dated 26-09-2020.It is clearly established by these documents that I have not sold any injection in market and not purchased for the purpose of sale. It is again informed to you that M/s Bio-Labs (Pvt.) Ltd Islamabad mistakenly sent these injections to my premises.
Therefore, as per form-5 and company's letter dated 26-09-2020. I have not sold any injection and not liable for the offense of sale/stock of drug without sale/purchase record.
As per your letter No. PQCB/SM-05-05/2021 dated 18-05-2021. There is huge difference between offense framed by concerned Drug Inspector via Form-5 and frame by your office

Reasons of seizure by Drug Inspector Form-5	*Reasons of seizure PQCB letter charges(Offense)*	*Offenses upon which show cause issued*
Sale/ Stock of govt. property not for sale (Govt. KPK M.T.I MCC supply not for sale). *Sale/Stock of substandard drug (with reference to CDC office letter no. CDC/P&S/R- 426/2020 and DRAP letter no. F.No.03-40/2020-QC)* *Sale/Stock of drug without warranty.* *Issuance of false warranty.* *Dirty and dusty premises*	*Sale/Stock of Government Property not for sale (Govt. KPK MTI-MCC supply not for sale].* *Sale/Stock of Sub-standard Drug (with reference to CDC Office letter no. CDC/P&S/R-426/2020 dated 24-09-2020* *Issuance of false warranty.* *Dirty and dusty Premises.*	*Sale/Stock of substandard drug (with reference to CDC office letter no. CDC/P&S/R-426/2020 and DRAP letter no. F.No.03-40/2020-QC)* *Sale/Stock of Drug without sale/purchase record.* *Sale/stock of Government Property not for sale (Govt. KPK M.T.I-MCC supply not for sale).* *Dirty and dusty premises (Violation of Schedule H of Drug Act 1976).*

It is pertinent to mention that charges framed in all three columns are different.
3. Sale/Stock of govt. property not for sale (Govt. KPK M.T.I MCC supply not for sale)

Sir, As I have mentioned earlier that this stock was dispatched to me mistakenly by the company and company admitted this fact vide letter dated 07.10.20 that the said stock of Colicraft 1 MIU Injections Batch #L-279 (40 Injection) printed with not for sale has been sent by company by mistake (copy attached) Hence, above mention offense cannot be levelled against me.
As per its sale, no single injection has been sold by me which is clearly mentioned on company letter dated 26.09.20, 07.10.20 and your Form-5 i-e (40 Injections) therefore I cannot be involved in the sale of said stock.
4. Dirty and dusty premises
Sir, I have been working since 1985 with good reputation and have never been framed for dirty/dusty premises. As per atmosphere some dust particles may be present on the stock. As per detailed mentioned on Form-5 temperature noted by concerned Drug Inspector is 27 °C which clearly show my control on storage conditions. Temperature is in desirable range i-e (25 °C to 30 °C) therefore I am not also be levelled.
Therefore, on the basis of above-mentioned facts and documentary evidences, it is evident that I am not involved in any offense mentioned in above columns.

Therefore, it is humbly requested to exonerate me from all the offences mentioned on Form-5 and show-cause notice."

REPLY OF M/S BIO-LABS INDUSTRIAL TRIANGLE KAHUTA ROAD, ISLAMABAD IN RESPONSE TO SHOW CAUSE NOTICE:

5. M/s Bio-Labs Industrial Triangle Kahuta Road, Islamabad submitted written reply vide ref no. Colicraft/09 dated 31-05-2021 stating that:

Kindly refer to the Show Cause Notice No. PQCB/SM-05-5/2021 dated 18-05-21 received at our premises at 30-05-2021 regarding the captioned matter.
2. That your good office vide the above mentioned Show Cause Notice has instructed us to explain our position with regards to the alleged contravention of section 23/27 of the Drug Act, 1976, and the provisions the DRAP Act, 2012 and the rules framed thereunder.
3. In response to the above-mentioned letter under reply we would like to submit asunder:
i.That M/s Bio-Labs (Pvt.) Ltd (the "Company") is a highly respected and trusted pharmaceutical Company in Pakistan having a state-of-the-art CGMP compliant manufacturing facility and is engaged in the manufacturing and selling of high-quality essential lifesaving drugs. The Company has further consolidated its image by displaying its firm commitment to Quality and strict adherence to high standards and drug laws as well as cGMP guidelines.
ii.That by way of background it is submitted that Colicraft Injection Batch No. L-279 (the "Product") was declared as 'Substandard' by the Central Drug Laboratory, Karachi on the basis of the Bacterial Sterility Test, vide Test Report No. R.KQ.209/2020 dated 26-08-2020 (the "CDL Report"). Subsequently, on 26-09-2020 the Provincial Inspector of Drugs Nandi Pur Town, Gujranwala inspected the premises of Dawn Drug Agencies 39-B Satellite Town Gujranwala and seized the sample of two drugs including the Product.
iii.That it is submitted that all results of the remaining tests (Description, identification, Assay & Endotoxin) provided by the CDL Report for the Product were found to be satisfactory and within the acceptable limits. A careful perusal of the batch manufacturing record and in process records of Batch No. L-279 further evidenced that the Product was of standard quality as the same duly complied with the specification criteria. Therefore, in view of the foregoing, the Company vide letter dated (09-09-2020) requested for the retesting of the Product as envisaged under Section 22(5) of the Drugs Act, 1976.
iv. That pursuant to the letter dated (09-09-20) the sample of the Product was sent to the National Institute of Health Islamabad for the purpose of retesting. It is pertinent to note that the Product was declared to be of standard quality by NIH.
V. That in furtherance to the aforesaid, it is submitted that in view of the directions given by your good office, vide letter No. F.SAA.025-026/2020- FID-V (K)(Complaint), the Company has already issued letters to the distributors for the recall of the Product.

vii. In addition to the aforesaid, it may be noted that another sample of same Product was declared to be of standard quality by the Drug Testing Laboratory, Peshawar, KPK vide report no. TRA No. 75727 DTL dated Peshawar, the 27-10-2020.
viii. That it is reiterated here and pressed again that the Product has been declared to be of standard quality vide the NIH Report. Additionally, the Company by acting in due diligence has also recalled the stalk of the Product by issuing letters to the distributors. Hence, to penalize the Company and its officials in the absence of any contravention of the

provisions of the Drug Laws and rules made thereunder is against the mandate of justice.
ix. That accordingly, it is most respectfully requested that the Show Cause Notice under reply and any proceedings consequent to it may kindly be withdrawn in the interest of justice.

Note: Firm verified all the names of Show-cause notice except Imran Sheikh (Distribution Manager)

6. Personal Hearing Notice issued to the accused person(s) dated 02-03-2022

PREVIOUS PROCEEDINGS & DECISION BY THE BOARD:

7. Case was considered by the Provincial Quality Control Board, under section 11 of the Drugs Act 1976 in its **240th meeting** held on **15-03-2022** under the Chairmanship of Secretary Primary & Secondary Healthcare Department, Punjab in the presence of Board members as mentioned above**.** M. Awais Younas Secretary DQCB District Gujranwala and Mr. Sheheryar Khan Afridi Drug Inspector, Nandipur Town, District Gujranwala were present. No-one from the nominated accused persons was present on behalf of **M/S Bio-Labs Plot No. 145 Industrial Triangle, Kahuta Road, Islamabad.** Among nominated accused persons Arshad Rauf (Proprietor) of M/s Dawn Drug Agencies 39-B Satellite Town, Gujranwala appeared before the Board but failed to mark his attendance on the attendance sheet. He submitted before the Board that he is not authorized agent of M/s Biolabs for the product Colicraft 1MIU. The manufacturer has delivered the said stock to his distribution set-up mistakenly and fallaciously.

8. Secretary PQCB apprised the Board that written request for adjournment has been received from the counsel person of the firm requesting for some time to defend the titled case. The Board after due deliberation and discussion unanimously decided to **adjourn the case** on request of the firm in best interest of justice. The Board further decided to provide another/ final opportunity of personal hearing to the accused persons.

9. Personal hearing notice(s) issued to accused person(s) dated 22-10-2024.

Case is placed before the board for decision.

CURRENT PROCEEDINGS & DECISION BY THE BOARD:

Case No. 42

PQCB/SM-24-12/2023

Ahmedpur East

ATTENDANCE

Secretary DQCB **Drug Inspector**	**Accused Persons involved in subject case** 1. **M/S Barrett Hodgson Pakistan (Private) Ltd., F/423, S.I.T.E. Karachi** through its Managing Director, Hassan Tharani. 2. Hassan Tharani — Managing Director 3. Mahmood Ahmad — Production Incharge 4. Fazal Mahmood — Quality Control Incharge 5. Asim Qureshi — Warrantor **Of M/S Barrett Hodgson Pakistan (Private) Ltd., F/423, S.I.T.E. Karachi.**

BRIEF FACTS OF THE CASE

Provincial Inspector of Drugs, Tehsil Ahmedpur East, District, Bahawalpur reported that: -

- i. The then Provincial Inspector of Drugs, 04.05.2019, inspected the business premises of M/s New Al-Hassan Medical Store, near Civil Hospital Tehsil Ahmedpur East and seized following Drugs, Other Material and Articles on Form-5 for the reason mentioned in last column.

Sr.	Name of Drug	Batch No.	Manufacturer	Quantity	Printed MRP	DRAP Approved MRP	Reason for Seized
1	Suspension Cefspan DS 200mg/5mL 30mL	B8360	M/s Barrett Hodgson Pakistan (Private) Ltd., F/423, S.I.T.E. Karachi	02	372.33	**281.75** (As approved MRP vide SRO 1610(1)2018 with Adjustment SRO 34(1)2019)	Violation of Section 12 of Drug Act 1976

ii. M/s New Al-Hassan Medical Store, near Civil Hospital Tehsil Ahmedpur East provided Invoices/warranties No. 0090281 dated 02.04.2019 issued by M/S Babar Sons Medicine Company, Giri Gunj Bazar Bahawalpur as a proof of its purchase.

iii. M/S Babar Sons Medicine Company, Giri Gunj Bazar Bahawalpur provided invoice/ warranty No. SISM 5100012563 dated 05.03.2019 issued by M/s Barrett Hodgson Pakistan (Private) Ltd., F/423, S.I.T.E. Karachi as proof of its purchase.

2. The Drug Inspector requested for grant of permission for prosecution against the above-mentioned accused person(s), who have contravened the provisions of Section 12/23/27 of the Drugs Act 1976 (as amended), DRAP Act 2012 and Rules framed there under by the way of:

a. **Violation of Section 12 of Drug Act 1976 and Violation of DRAP Act 2012 (Over-Pricing)**

b. **Issuance of false warranty**

3. Show-cause/ Personal Hearing notice(s) issued to accused person(s) dated 22-10-2024

5. Case is placed before the Board for decision.

Summary:

Manufacturing Date: 01.2019

Expiry Date: 01.2021

Inspection Date (Form 5): 04.05.2019

1ST DI Communication with firm on dated: 15.07.2020

Investigation Report Dated: 30.12.2023

Permission of SCN: 279-M

SC/PHN issued: 22.10.2024

PROCEEDINGS & DECISION BY THE BOARD