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WARNING LETTER

VIA FEDERAL EXPRESS

George W. LeMaitre
Chairman and Chief Executive Officer
LeMaitre Vascular, Inc.
63 Second Avenue
Burlington, MA 01803-4413

JUN 3 2008

Dear Mr. George LeMaitre:

This Warning Letter is to inform you of objectionable conditions observed during the Food and Drug Administration (FDA) inspection conducted at LeMaitre Vascular, Inc. from January 15 to February 5, 2008, by an investigator from the FDA New England District Office. The purpose of this inspection was to determine whether your activities as the sponsor of the clinical study^{(b)(4)}

(b)(4)

(b)(4) complied with applicable federal regulations.

(b)(4) is a device as that term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the Act), 21 U.S.C. 321(h). This letter also requests prompt corrective action to address the violations cited and discusses your written response to the noted violations.

The inspection was conducted under a program designed to ensure that data and information contained in requests for Investigational Device Exemptions (IDE), Premarket Approval (PMA) applications, and Premarket Notification submissions (510(k)) are scientifically valid and accurate. Another objective of the program is to ensure that human subjects are protected from undue hazard or risk during the course of scientific investigations.

Our review of the inspection report prepared by the district office revealed serious violations of Title 21, Code of Federal Regulations (21 C.F.R.) Part 812 -- Investigational Device Exemptions. At the close of the inspection, the FDA investigator presented an inspectional observations Form FDA 483 for your review and discussed the observations listed on the form with you.

The deviations noted on the Form FDA 483, your written response, our subsequent review of the inspection report, and your response are discussed below:

Failure to secure the investigator's compliance with the signed investigator agreement, the investigational plan, applicable FDA regulations, and any other conditions of approval imposed by the reviewing IRB or FDA. [21 CFR 812.46(a)]

Sponsors are responsible for ensuring that all clinical investigators participating in the investigation adhere to the signed agreement, the investigational plan, applicable FDA regulations, and any other conditions of approval imposed by the reviewing IRB or FDA. A sponsor that discovers an investigator who is not complying shall promptly either secure compliance, or discontinue shipments of the device to the investigator and terminate the investigation. Since (b)(4), when you acquired the assets of (b)(4) for this study, you have failed to secure investigator compliance in that incomplete case report forms (CRFs) for the Feasibility Study were submitted to you and there is no documentation of requests for corrections and/or clarifications. Examples of these failures include but are not limited to the following:

- A) (b)(4) CRFs are incomplete. During the FDA inspection you could not provide any documentation of requests for corrections or clarifications. Examples of CRFs lacking documentation of aneurysm and device status assessments include, but are not limited to:

Subject ID (b)(6)	(b)(4)			
	X		X	X
	X		X	X
		X		
			X	
	X			
	X			

"X" denotes not documented

- B) The (b)(4) CRFs note that CT Scans with and without IV contrast media were not performed in accordance with the protocol. During the FDA inspection there is no documentation of requests for corrections or clarifications. Examples include, but are not limited to:

Subject ID (b)(6)	(b)(4)			
	X	X	X	
	X			X
		X		
	X			X

"X" denotes not documented

- C) (b)(6)'s monitoring report dated (b)(4) indicated "the site stopped filling out follow-up CRFs for their patients after (b)(4)." The (b)(4) report notes, "Coordinator was unable to complete action items from last visit." The (b)(4) report states "the site is unacceptable." There is no documentation that corrections were made at this site during this period and the site was not monitored again until (b)(4) later on (b)(4)

In your response you state that, prior to the FDA inspection, efforts had commenced to secure compliance of all Phase I sites. Specifically, on (b)(4) LeMaitre Vascular obtained a new investigator agreement with Dr. Williams that outlines the expectations for LeMaitre Vascular and (b)(6). The terms of the agreement provide financial incentive to the site in exchange for their assistance with monitoring and ensuring the data is complete, accurate, and current. LeMaitre is also actively negotiating similar site remediation contracts with (b)(6) and two other phase I sites. Your response is incomplete in that it does not include a plan to update the FDA with the data from the phase I trial. Please provide a plan and time-line for submission of the phase I data to reviewing IRBs and the FDA.

In addition, your response does not address securing investigator compliance for your ongoing investigation. Please provide a plan to ensure that investigator compliance will be secured. In addition, please provide copies of policies and procedures, with expected completion dates, that are being developed and implemented to manage investigators from whom you are unable to secure compliance.

Failure to ensure adequate monitoring of the investigation. [21 CFR 812.40]

Sponsors are responsible for ensuring proper monitoring of the investigation. An investigational plan shall include written procedures for monitoring of the investigation and include the name and address of monitors. In addition, sponsors are responsible for selecting monitors that are qualified by training and experience to monitor the investigational study.

You failed to conduct monitoring in accordance with your written monitoring procedure. Standard Operating Procedure (SOP) (b)(4) states, "(b)(4) monitored once per year." You became the sponsor for the (b)(4) (b)(4) studies when you acquired the assets from (b)(4), on (b)(4) (b)(4), however you did not begin monitoring visits at the clinical sites until February (b)(4), (b)(4). In addition, you failed to continue monitoring visits at least once per year. Examples of inadequate monitoring include, but are not limited to:

Site	Date first subject implanted	Date last subject implanted	Number subjects enrolled	Date of first monitoring visits	Dates of subsequent monitoring visits
(b)(4)					

In your response you state LeMaitre Vascular acquired the assets of (b)(4) in (b)(4). However, it was not until June 2007 LeMaitre Vascular determined that

the Phase I data management program inherited from the previous sponsor, (b)(4) was insufficient. In your response, you acknowledge that your efforts between (b)(4) and June 2007 did not yield monitoring/data management results which are indicative of a tightly run trial. Additionally, you state that in November 2007 you entered into a contract with a CRO to perform data management. You provided a monitoring schedule, proposed finish date, and your SOPs for Monitoring, Reporting Serious or Unanticipated Adverse Device Effects, Financial Disclosure, and Device Accountability. This response appears adequate.

Failure to prepare and submit progress reports at regular intervals and at least yearly to reviewing IRBs. [21 CFR 812.150(b)(5)]

At regular intervals, and at least yearly, a sponsor shall submit progress reports to all reviewing IRB's. These reports shall be complete, accurate, and timely. Examples of this failure include, but are not limited to the following:

- A) During the FDA inspection you could not provide documentation that progress reports were submitted to any of the (b)(4) IRBs for the Feasibility Study for: Annual Reports dated (b)(4) and (b)(4).
- B) The information in your annual progress reports is inaccurate in that there are discrepancies in the number of deaths reported in the annual progress reports when compared to number of actual deaths documented in your adverse event summaries, and narrative death summaries.

Annual Report Date	Date of Report	Cumulative Number of Deaths Reported in Progress Reports	Cumulative Actual Number of Deaths
2004	(b)(4)		
2005			
2006			
2007			

* 2005 report notes (b)(4) deaths than in 2004

In your response you provided documentation that the 2007 progress report has been submitted to the reviewing IRB's. This response is incomplete in that you did not provide a corrective plan to ensure progress reports are complete, accurate, and timely and are submitted to the reviewing IRBs at least yearly. You have not completed monitoring and clarification of discrepancies of the Phase I data therefore, the data submitted in the 2007 progress report is not complete, accurate, and timely. Please provide copies of policies, procedures, and training with expected completion dates that are being developed and implemented to ensure annual progress reports are complete, accurate, and timely and are submitted to all reviewing IRBs at regular intervals, at least yearly. In addition, include a plan to ensure reports are submitted in accordance with any additional provisions imposed by the IRB.

Failure to maintain accurate, complete and current device shipment records. [21 CFR 812.140(b)(2)]

It is a sponsor's responsibility to maintain accurate, complete, and current records relating to the shipment and disposition of the devices. Records shall include the name and address of the consignee, type and quantity of device, date of shipment, and batch number or code mark. Records of disposition shall describe the batch number or code marks of any device returned to the sponsor, repaired, or disposed of in other ways by the investigator or another person, and the reasons for and method of disposal.

Specifically, during the FDA inspection you could not provide the inspector with any records of shipment for any of the investigational devices to the clinical sites that participated in the Phase I and the Phase II Study.

In your response you state you have developed and implemented a procedure for tracking devices and submitted SOP^{(b)(4)}. The SOP addresses LeMaitre Vascular personnel^{(b)(4)} devices to the sites and documentation of the used and returned devices at the time of delivery. This response is incomplete in that there is no documentation of training on this SOP nor is there a method for tracking devices that are repaired, or disposed of in other ways by the investigator or another person, and the reason for and method of disposal.

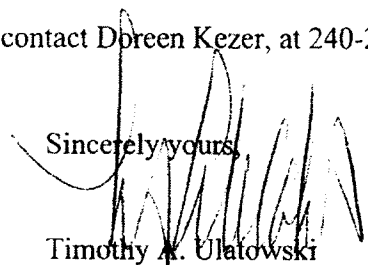
The violations described above are not intended to be an all inclusive list of problems that may exist with your clinical study. It is your responsibility as a study sponsor to ensure compliance with the Act and applicable regulations.

Within fifteen (15) working days of receiving this letter, please provide written documentation of the additional actions you have taken or will take to correct these violations and prevent the recurrence of similar violations in current or future studies for which you are the study sponsor. Any submitted corrective action plan must include projected completion dates for each action to be accomplished. Failure to respond to this letter and take appropriate corrective action could result in the FDA taking regulatory action without further notice to you. Send your response to: Attention: Doreen Kezer, Food and Drug Administration, Center for Devices and Radiological Health, Office of Compliance, Division of Bioresearch Monitoring, 9200 Corporate Boulevard, HFZ-310, Rockville, Maryland 20850.

A copy of this letter has been sent to New England District Office, One Montvale Avenue, 4th Floor, Stoneham, MA, 02180. In addition, please send a copy of your response to that office.

If you have any questions, please contact Doreen Kezer, at 240-276-0125, & email Doreen.kezer@fda.hhs.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Timothy A. Ulatowski', written over the 'Sincerely yours,' text.

Timothy A. Ulatowski
Director
Office of Compliance
Center for Devices and
Radiological Health