June 9, 2023

Futura Medical Developments Limited
Ken James
Head of Research and Development
10 Holmes Court
Morristown, NJ 07960

Re: DEN220078
Trade/Device Name: Eroxon
Regulation Number: 21 CFR 876.5021
Regulation Name: Non-medicated topical formulation for treatment of erectile dysfunction
Regulatory Class: II
Product Code: QWW
Dated: January 4, 2023
Received: March 28, 2023

Dear Ken James:

The Center for Devices and Radiological Health (CDRH) of the Food and Drug Administration (FDA) has completed its review of your De Novo request for classification of the Eroxon, an over-the-counter device under 21 CFR Part 801 Subpart C with the following indications for use:

> Treatment of erectile dysfunction in adult males aged 22 years and over.

FDA concludes that this device should be classified into Class II. This order, therefore, classifies the Eroxon, and substantially equivalent devices of this generic type, into Class II under the generic name non-medicated topical formulation for treatment of erectile dysfunction.

FDA identifies this generic type of device as:

> **Non-medicated topical formulation for treatment of erectile dysfunction.** A non-medicated topical formulation for treatment of erectile dysfunction is a device that is applied on the penis and stimulates the nerve endings by inducing a temperature change, leading to tumescence and erection.

Section 513(f)(2) of the Food, Drug and Cosmetic Act (the FD&C Act) was amended by section 607 of the Food and Drug Administration Safety and Innovation Act (FDASIA) on July 9, 2012. This law provides two options for De Novo classification. First, any person who receives a "not substantially equivalent" (NSE) determination in response to a 510(k) for a device that has not been previously classified under the Act may request FDA to make a risk-based classification of the device under section 513(a)(1) of the Act. On December 13, 2016, the 21st Century Cures Act removed a requirement that a De Novo request be submitted within 30 days of receiving an NSE determination. Alternatively, any person who determines that there is no

legally marketed device upon which to base a determination of substantial equivalence may request FDA to make a risk-based classification of the device under section 513(a)(1) of the Act without first submitting a 510(k). FDA shall, within 120 days of receiving such a request, classify the device. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the Federal Register announcing the classification.

On October 21, 2022, FDA received your De Novo requesting classification of the Eroxon. The request was submitted under section 513(f)(2) of the FD&C Act. In order to classify the Eroxon into class I or II, it is necessary that the proposed class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the De Novo request FDA has determined that, for the previously stated indications for use, the Eroxon can be classified in class II with the establishment of special controls for class II. FDA believes that class II (special) controls provide reasonable assurance of the safety and effectiveness of the device type. The identified risks and mitigation measures associated with the device type are summarized in the following table:

Risks to Health	**Mitigation Measures**
Failure to identify correct population and condition, leading to ineffective use	Labeling
Deleterious effect on condoms leading to pregnancy or transmission of sexually transmitted infections	Non-clinical performance testing Labeling Shelf-life testing
Adverse tissue reaction	Biocompatibility testing Labeling Non-clinical performance testing
Pain or discomfort	Non-clinical performance testing Labeling Shelf-life testing

In combination with the general controls of the FD&C Act, the non-medicated topical formulation for treatment of erectile dysfunction. is subject to the following special controls:

(1) The device must be demonstrated to be biocompatible.

(2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:
   (i) Condom compatibility;
   (ii) Temperature profile evaluation; and
   (iii) Verification of device specifications.

(3) Performance data must support the shelf life of the device by demonstrating the device meets its specifications over the identified shelf life.

(4) Labeling must include:
  (i) Information regarding compatibility with condoms;
  (ii) Expiration date;
  (iii) A statement that the product is not a contraceptive;
  (iv) Information for the correct diagnosis of erectile dysfunction; and
  (v) Dosage and frequency of use.

Although this letter refers to your product as a device, please be aware that some granted products may instead be combination products. If you have questions on whether your product is a combination product, contact CDRHProductJurisdiction@fda.hhs.gov.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device type. FDA has determined premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device type and, therefore, the device is not exempt from the premarket notification requirements of the FD&C Act. Thus, persons who intend to market this device type must submit a premarket notification containing information on the non-medicated topical formulation for treatment of erectile dysfunction they intend to market prior to marketing the device.

Please be advised that FDA's decision to grant this De Novo request does not mean that FDA has made a determination that your device complies with other requirements of the FD&C Act or any Federal statutes and regulations administered by other Federal agencies. You must comply with all the FD&C Act's requirements, including, but not limited to: registration and listing (21 CFR Part 807); labeling (21 CFR Part 801); medical device reporting (reporting of medical device-related adverse events) (21 CFR 803) for devices or postmarketing safety reporting (21 CFR 4, Subpart B) for combination products (see https://www.fda.gov/combination-products/guidance-regulatory-information/postmarketing-safety-reporting-combination-products); good manufacturing practice requirements as set forth in the quality systems (QS) regulation (21 CFR Part 820) for devices or current good manufacturing practices (21 CFR 4, Subpart A) for combination products; and if applicable, the electronic product radiation control provisions (Sections 531-542 of the FD&C Act; 21 CFR 1000-1050).

A notice announcing this classification order will be published in the Federal Register. A copy of this order and supporting documentation are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852 and are available for inspection between 9 a.m. and 4 p.m., Monday through Friday.

As a result of this order, you may immediately market your device as described in the De Novo request, subject to the general control provisions of the FD&C Act and the special controls identified in this order.

For comprehensive regulatory information about medical devices and radiation-emitting products, please see Device Advice (https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance) and CDRH Learn (https://www.fda.gov/training-and-continuing-education/cdrh-learn). Additionally, you may contact the Division of Industry and Consumer Education (DICE) to ask a question about a specific regulatory topic. See the DICE website (https://www.fda.gov/medical-devices/device-advice-

comprehensive-regulatory-assistance/contact-us-division-industry-and-consumer-education-dice) for more information or contact DICE by email (DICE@fda.hhs.gov) or phone (1-800-638-2041 or 301-796-7100).

If you have any questions concerning the contents of the letter, please contact Feba Abraham at (301) 796-5772.

Sincerely,

Courtney H. Lias -S

Courtney H. Lias, Ph.D.
Office Director
OHT3: Office of GastroRenal, ObGyn,
General Hospital and Urology Devices
Office of Product Evaluation and Quality
Center for Devices and Radiological Health