

that produce an effect, the maximal exposure should be no more than twice the total energy of the minimal exposure.

(i) *Rejection of test data.* Test data shall be rejected if the exposure series fails to elicit an MED response on either the treated or unprotected skin sites, or if the responses on the treated sites are randomly absent (which indicates the product was not spread evenly), or if the subject was noncompliant (e.g., subject withdraws from the test due to illness or work conflicts, subject does not shield the exposed testing sites from further UV radiation until the MED is read, etc.).

§ 352.73 Determination of SPF value.

(a)(1) The following erythema action spectrum shall be used to calculate the erythema effective exposure of a solar simulator:

$$V_i(\lambda) = 1.0 \quad (250 < \lambda < 298 \text{ nm})$$

$$V_i(\lambda) = 1.0^{0.094(298 - \lambda)} \quad (298 < \lambda < 328 \text{ nanometers})$$

$$V_i(\lambda) = 1.0^{0.015(139 - \lambda)} \quad (328 < \lambda < 400 \text{ nanometers})$$

(2) The data contained in this action spectrum are to be used as spectral weighting factors to calculate the erythema effective exposure of a solar simulator as follows:

$$E = \sum_{250}^{400} V_i(\lambda) * I(\lambda) * t_{\text{exp}}$$

where: E = Erythema Effective Exposure (dose: Joules per square meter)

V_i = Weighting Factor (Erythema Action Spectrum)

I = Spectral Irradiance (Watts per square meter per nanometer)

t_{exp} = exposure time (seconds)

(b) *Determination of MED of the unprotected skin.* A series of UV radiation exposures expressed as Joules per square meter (adjusted to the erythema action spectrum calculated according to § 352.73(a)) is administered to the subsite areas on each subject with an accurately calibrated solar simulator. A series of five exposures shall be administered to the untreated, unprotected skin to determine the subject's inherent MED. The doses selected shall be a geometric series represented by (1.25ⁿ), wherein each exposure time interval is 25 percent greater than the previous time to maintain the same relative uncertainty (expressed as a

constant percentage), independent of the subject's sensitivity to UV radiation, regardless of whether the subject has a high or low MED. Usually, the MED of a person's unprotected skin is determined the day prior to testing a product. This MED(US) shall be used in the determination of the series of UV radiation exposures to be administered to the protected site in subsequent testing. The MED(US) should be determined again on the same day as the standard and test sunscreens and this MED(US) should be used in calculating the SPF.

(c) *Determination of individual SPF values.* A series of UV radiation exposures expressed as Joules per square meter (adjusted to the erythema action spectrum calculated according to §352.73(a)) is administered to the subsite areas on each subject with an accurately-calibrated solar simulator. A series of seven exposures shall be administered to the protected test sites to determine the MED of the protected skin (MED(PS)). The doses selected shall consist of a geometric series of five exposures, where the middle exposure is placed to yield the expected SPF plus two other exposures placed symmetrically around the middle exposure. The exact series of exposures to be given to the protected skin shall be determined by the previously established MED(US) and the expected SPF of the test sunscreen. For products with an expected SPF less than 8, the exposures shall be the MED(US) times 0.64X, 0.80X, 0.90X, 1.00X, 1.10X, 1.25X, and 1.56X, where X equals the expected SPF of the test product. For products with an expected SPF between 8 and 15, the exposures shall be the MED(US) times 0.69X, 0.83X, 0.91X, 1.00X, 1.09X, 1.20X, and 1.44X, where X equals the expected SPF of the test product. For products with an expected SPF greater than 15, the exposures shall be the MED(US) times 0.76X, 0.87X, 0.93X, 1.00X, 1.07X, 1.15X, and 1.32X, where X equals the expected SPF of the test product. The MED is the quantity of erythema-effective energy required to produce the first perceptible, unambiguous redness reaction with clearly defined borders at 22 to 24 hours postexposure. The SPF value of the test sunscreen is then calculated from the dose of UV radiation required to produce the MED of the protected skin and from the dose of UV radiation required to produce the MED of the unprotected skin (control site) as follows:

SPF value = the ratio of erythema effective exposure (Joules per square meter) (MED(PS)) to the erythema effective exposure (Joules per square meter) (MED(US)).

(d) *Determination of the test product's SPF value and PCD.* Use data from at least 20 test subjects with n representing the number of subjects used. First, for each subject, compute the

SPF value as stated in §352.73(b) and (c). Second, compute the mean SPF value, \bar{x} , and the standard deviation, s , for these subjects. Third, obtain the upper 5-percent point from the t distribution table with n-1 degrees of freedom. Denote this value by t . Fourth, compute ts/\sqrt{n} . Denote this quantity by A (i.e., $A = ts/\sqrt{n}$). Fifth, calculate the SPF value to be used in labeling as follows: the label SPF equals the largest whole number less than $\bar{x} - A$. Sixth and last, the drug product is classified into a PCD as follows: if $30 + A < \bar{x}$, the PCD is High; if $12 + A < \bar{x} < 30 + A$, the PCD is Moderate; if $2 + A < \bar{x} < 12 + A$, the PCD is Minimal; if $\bar{x} < 2 + A$, the product shall not be labeled as a sunscreen drug product and shall not display an SPF value.

§352.76 Determination if a product is water resistant or very water resistant.

The general testing procedures in §352.72 shall be used as part of the following tests, except where modified in this section. An indoor fresh water pool, whirlpool, and/or jacuzzi maintained at 23 to 32 °C shall be used in these testing procedures. Fresh water is clean drinking water that meets the standards in 40 CFR part 141. The pool and air temperature and the relative humidity shall be recorded.

(a) *Procedure for testing the water resistance of a sunscreen product.* For sunscreen products making the claim of "water resistant," the label SPF shall be the label SPF value determined after 40 minutes of water immersion using the following procedure for the water resistance test:

(1) Apply sunscreen product (followed by the waiting period after application of the sunscreen product indicated on the product labeling).

(2) 20 minutes moderate activity in water.

(3) 20-minute rest period (do not towel test sites).

(4) 20 minutes moderate activity in water.

(5) Conclude water test (air dry test sites without towelings).

(6) Begin solar simulator exposure to test site areas as described in §352.73.