



Statement

Merck & Co., Inc. Statement Regarding U.S. Supreme Court Ruling on Pre-Emption Issue

WHITEHOUSE STATION, N.J., Mar. 04, 2009 – Merck & Co., Inc. is disappointed with today's U.S. Supreme Court decision in the Wyeth v. Levine case. We believe state courts should not be second-guessing the doctors and scientists at the U.S. Food and Drug Administration (FDA). The FDA has explicitly determined that its labeling regulations preempt or supersede state law claims challenging the adequacy of FDA-approved labels -- and it has noted that this preemption principle is critical to its mission. If every state is able to impose its own warning requirements on prescription drugs, there would be mass confusion about the potential risks of drugs. Such confusion would undermine the FDA's statutory responsibility to ensure the safety and availability of prescription medications for all Americans and would make it harder for physicians to make informed decisions in prescribing drugs.

About Merck

Merck & Co., Inc. is a global research-driven pharmaceutical company dedicated to putting patients first. Established in 1891, Merck currently discovers, develops, manufactures and markets vaccines and medicines to address unmet medical needs. The Company devotes extensive efforts to increase access to medicines through far-reaching programs that not only donate Merck medicines but help deliver them to the people who need them. Merck also publishes unbiased health information as a not-for-profit service. For more information, visit www.merck.com.

Forward-Looking Statement

This press release contains "forward-looking statements" as that term is defined in the Private Securities Litigation Reform Act of 1995. These statements are based on management's current expectations and involve risks and uncertainties, which may cause results to differ materially from those set forth in the statements. The forward-looking statements may include statements regarding product development, product potential or financial performance. No forward-looking statement can be guaranteed and actual results may differ materially from those projected. Merck undertakes no obligation to publicly update any forward-looking statement, whether as a result of new information, future events,

or otherwise. Forward-looking statements in this press release should be evaluated together with the many uncertainties that affect Merck's business, particularly those mentioned in the risk factors and cautionary statements in Item 1A of Merck's Form 10-K for the year ended Dec. 31, 2008, and in any risk factors or cautionary statements contained in the Company's periodic reports on Form 10-Q or current reports on Form 8-K, which the Company incorporates by reference.

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