



Statement

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Merck & Co. Asks to Appeal Court Ruling Certifying a Class of Missouri Plaintiffs Seeking Reimbursement for Out-of-pocket VIOXX[®] Costs

WHITEHOUSE STATION, N.J., June 23, 2008 – Merck & Co., Inc. today sought permission to appeal a Missouri state court ruling allowing two former VIOXX users to represent a class of Missouri residents who seek refunds for VIOXX -- even though they do not claim any injuries associated with the medicine. The lower court ruling did not address the merits of plaintiffs' claims, and the case remains in the early procedural stages.

"This is not an appropriate case to be handled as a class action because each plaintiff's situation is unique," said Ted Mayer of Hughes, Hubbard & Reed, outside counsel for Merck, expressing why the Missouri Court of Appeals should overturn the class certification order. "Each physician who prescribed VIOXX did so based on his or her individual medical judgment in response to each particular patient's medical condition, history and response to the medicine."

Additionally, Merck noted that the mix of information available to physicians changed over time as Merck continued to study VIOXX and to disclose study results and as the FDA-approved labeling of VIOXX evolved to reflect those studies.

"In determining any damages, jurors would need to know whether each plaintiff would have continued taking VIOXX if more information had been available at the time and how much an alternative drug would have cost," added Mr. Mayer, further explaining why a class would be inappropriate. Although the plaintiffs claim to be representative of the class of plaintiffs, one of the two lead plaintiffs never spent any money on VIOXX. The other named plaintiff admitted that he never asked his physician about risk factors when he switched to another drug after VIOXX was withdrawn.

"While this is a procedural holding that makes no ruling on the merits of the case, we believe the evidence will show that Merck's communications and representations about the efficacy and safety of VIOXX were both proper and accurate," said Mr. Mayer. "The fact is that

VIOXX worked for patients because it was effective at relieving pain with fewer gastrointestinal effects than other drugs in its class.”

Status of Litigation

Merck has won the large majority of cases that have gone to trial and thousands of lawsuits have been dismissed. Of the 18 plaintiffs whose cases went to trial, only three have outstanding product liability judgments against Merck.

Merck has entered into an agreement to resolve state and federal myocardial infarction and ischemic stroke claims filed or tolled by Nov. 9, 2007. The settlement program is progressing in a satisfactory manner. Because of the large number of enrollments received so far, Merck is confident that the number of verified enrollments will exceed the thresholds that will obligate the Company to pay \$4.85 billion into a resolution fund.

Forward-Looking Statement

This statement 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 statement 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, 2007, 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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