



Statement

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Statement by Phil Beck on Today's Ruling Overturning an Excessive VIOXX® Damage Award

WHITEHOUSE STATION, N.J., Aug. 30, 2006 – Judge Eldon Fallon of the U.S. District Court in New Orleans today overturned on his own motion a jury's \$51 million award against Merck & Co., Inc. in a lawsuit filed by Gerald Barnett, a South Carolina man who used VIOXX for nearly three years. The Court ordered a retrial on compensatory and punitive damages.

Phil Beck of Bartlit Beck, Merck's outside counsel issued the following statement:

"We are pleased the Court agreed that the compensatory damages awarded were excessive and bore no relationship to the evidence presented in trial and that the Court overturned the punitive damages, as well.

Within the next several days we will be filing a motion requesting that the new trial also include all liability issues. Whatever the scope of the new trial, we look forward to presenting our evidence to the new jury."

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 cautionary statements in Item 1 of Merck's Form 10-K for the year ended Dec. 31, 2005, and in its periodic reports on Form 10-Q and Form 8-K, which the Company incorporates by reference.

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