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### **VIOXX® Trial Update: Statement on VIOXX Product Liability Trial in New Orleans**

WHITEHOUSE STATION, N.J., July 31, 2006 – Merck & Co., Inc. is conducting a vigorous defense in the product liability lawsuit, Barnett v. Merck, which is scheduled to go to trial before a jury on July 31, 2006, in the U.S. District Court for the Eastern District of Louisiana. The company believes the evidence in this case will show that VIOXX did not cause the heart attack of Gerald D. Barnett and that Merck provided appropriate information about VIOXX to the medical, scientific and regulatory communities.

“The evidence will show that Mr. Barnett exhibited many of the classic risk factors for a heart attack, regardless of whether he was taking VIOXX,” said Ted Mayer of Hughes Hubbard & Reed, outside counsel for Merck. “He had high blood cholesterol, a family history of cardiac problems, and documented cardiovascular disease before he ever took VIOXX. Mr. Barnett will be unable to meet his legal burden of proving through valid scientific evidence that VIOXX contributed to his heart attack.”

U.S. District Court Judge Eldon E. Fallon, who is overseeing all of the federal court litigation, will preside over the case. This is the second federal VIOXX trial; Merck won the first case, Plunkett v. Merck, in February.

“Our intent is to defend these cases individually,” said Kenneth C. Frazier, senior vice president and general counsel of Merck. “Merck acted responsibly – from researching VIOXX prior to approval in clinical trials involving almost 10,000 patients, to monitoring the medicine while it was on the market, to voluntarily withdrawing the medicine when it did.”

The company voluntarily withdrew VIOXX in September 2004, in response to a Merck-sponsored study called APPROVe. In that study, there was an increased relative risk of heart attack beginning only after 18 months of continuous use in the patients taking VIOXX compared to patients taking a sugar pill.

Merck is represented by Philip S. Beck and Andrew L. Goldman of Bartlit Beck Herman Palenchar & Scott in Chicago. Mr. Beck successfully tried the previous federal VIOXX case.

Separate from the federal proceedings, there is an ongoing VIOXX trial in California state court, Grossberg v. Merck, in which the plaintiff alleged his sporadic and intermittent use of the drug contributed to his heart attack. Earlier this month, a New Jersey jury rendered a verdict in favor of Merck in Doherty v. Merck, a case in which a 67-year-old woman with multiple pre-existing risk factors alleged that VIOXX contributed to her heart attack. In April, a New Jersey jury rendered a split verdict in a case involving two plaintiffs. Jurors rejected a claim by Thomas Cona that VIOXX contributed to his heart attack, and found in favor of John McDarby. In February, jurors in the first federal case, Plunkett v. Merck, rejected claims that VIOXX caused the heart attack of a Florida man. In November, jurors in New Jersey ruled in favor of Merck, in Humeston v. Merck – the first New Jersey case. Finally, Merck intends to appeal last August's plaintiff verdict in a Texas state court in Ernst v. Merck, as well as April's plaintiff's verdict in a Texas state court in Garza v. Merck.

### **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](http://www.merck.com).

### **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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