



Statement

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Federal Judge Sets Aside 2006 Defense Verdict in Plunkett v. Merck

The Company is Prepared to Retry Case

WHITEHOUSE STATION, N.J., May 31, 2007 – Earlier this week, a federal judge in New Orleans set aside a February 2006 defense verdict in Plunkett v. Merck & Co. Inc. due to a lapsed medical board certification of one of Merck’s witnesses. This case has gone to trial two times; the first trial resulted in a mistrial, while the second one resulted in a defense verdict for Merck when the jury rejected the claim that the short-term use of VIOXX played a role in the plaintiff’s death. Merck is prepared to retry the case.

“We are disappointed in this recent development, but are ready to retry this case once again and believe that Mr. Irvin’s risk factors were well established in the two previous trials,” said Ted Mayer of Hughes, Hubbard & Reed, outside counsel for Merck. “There is no evidence to support plaintiff’s claim that Mr. Irvin’s short-term use of VIOXX caused his death. Mr. Irvin had significant risk factors before he suffered his heart attack, including partially clogged arteries. These risk factors put him at increased risk of heart attack and had nothing to do with his brief use of VIOXX.”

Mr. Irvin, a seafood sales manager, died of a heart attack on May 15, 2001 at age 53. He allegedly had been taking VIOXX for about one month at the time of his heart attack and had several risk factors for heart disease, including, among others, atherosclerosis, age, gender and weight.

“Dr. Rayburn is a distinguished cardiologist and qualified expert. He passed his boards in internal medicine and cardiovascular disease, and noted this fact in his expert report, resume and testimony,” said Mayer. “Dr. Rayburn never intended to convey that he was certified at the time of his testimony.”

The lawsuit originally was filed in Palm Beach County, Fla. on May 14, 2003, by Mr. Irvin’s surviving spouse, Evelyn Irvin Plunkett. The case was re-filed in the MultiDistrict Litigation as case number 05-4046 in 2005.

Merck was represented in the Plunkett case by Philip Beck and Tarek Ismail of Bartlit Beck of Chicago.

The judge also dismissed the plaintiff's motion for a new trial in Dedrick v. Merck. Merck previously won this case in the New Orleans Federal Court in December 2006.

Status of Litigation

As of March 31, 2007, the claims related to more than 4,600 alleged VIOXX users have been dismissed before being scheduled for trial. Of those, more than 1,050 were dismissed with prejudice either by plaintiffs themselves or by judges, meaning they cannot be filed again. More than 3,550 plaintiffs have had their claims dismissed without prejudice.

Juries have found in favor of the Company 10 times and in favor of plaintiffs five times. Following Judge Fallon's decision granting plaintiff a new trial in the Plunkett case, one of the 10 defense verdicts has been set aside. There are two unresolved mistrials as a result of hung juries after plaintiffs failed to prove their claims. In addition, at least 15 additional cases scheduled for trial were either dismissed or withdrawn from the trial calendar by plaintiffs before a jury could be selected.

Merck is pursuing its options for post-trial relief and appellate review with respect to each of the plaintiffs' verdicts.

For information regarding additional cases scheduled for trial in 2007 visit <http://www.merck.com/newsroom/vioxx/>.

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 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, 2006, and in its periodic reports on Form 10-Q and Form 8-K, which the Company incorporates by reference.

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