



Statement

Merck Responds to Questions about the *Australasian Journal of Bone and Joint Medicine Journal*

Questions about a 2001 *Circulation* Article also Addressed

WHITEHOUSE STATION, N.J., April 30, 2009 – Merck & Co., Inc. today provided the following statement regarding questions stemming from the courtroom testimony of professor George Jelinek in Australia.

The Australasian Journal of Bone and Joint Medicine to which professor Jelinek referred was published by the medical publishing company Elsevier. Merck Sharp & Dohme Australia understood that Elsevier envisaged the complimentary publication would draw on the vast resources of Elsevier, publishers of many leading peer-reviewed journals including *Lancet*, *Bone*, *Joint Bone Spine* and others, to deliver novel and timely full-text articles and abstracts to physicians.

With respect to the content, professor Jelinek stated in his written statement that each of the original articles that he reviewed about VIOXX in the Australasian Journal of Bone and Joint Medicine was reprinted from a peer-reviewed medical journal that was also published by Elsevier.

Professor Jelinek specifically discusses two VIOXX articles in this category. The first is “Coxibs—Beyond the GI Tract: Renal and Cardiovascular Issues,” noted as being originally published in the *Journal of Pain Symptom Management*, a peer-reviewed journal published by Elsevier. This article discusses the various hypotheses to explain the VIGOR results being debated at the time. In the “conclusions” section, the authors write: “regardless of the explanation for these findings, when selecting anti-inflammatory therapy, it is vital to balance the hypothetical cardiovascular risk with the documented GI benefit produced by selective COX-2 inhibition.” They conclude finally that: “until all the answers are available, physicians need to apply their best judgment in selecting the optimal anti-inflammatory agent for the individual patient.”

The other VIOXX article professor Jelinek refers to is “Comparison of Cardiovascular Thrombotic Events in Patients with Osteoarthritis Treated with Rofecoxib versus Nonselective Nonsteroidal Anti-inflammatory Drugs (Ibuprofen, Diclofenac, and Nabumetone),” noted as originally being printed in the *American Journal of Cardiology*, a peer-reviewed journal published

by Elsevier. This article describes the results of an assessment of the thrombotic cardiovascular events in 8 phase IIB/III osteoarthritis trials conducted by Merck. The article discloses on its first page: “from the Merck Research Laboratories, Merck & Co., Inc., Rahway, New Jersey. This work was funded by Merck Research Laboratories, Rahway, New Jersey.” It also lists the address for reprints as: “Rhoda S. Sperling, MD, Merck Research Laboratories, RY 70-100, 126 East Lincoln Avenue, PO Box 2000, Rahway, New Jersey, 07065. E-mail: Rhoda_sperling@merck.com”

2001 Circulation Article

Separately, the specific "ghostwriting" allegations made in Australia concerning a 2001 *Circulation* paper about VIOXX are false and misleading. The Merck authors were named authors on the study and the lead author, Dr. Marvin Konstam, was in fact very much involved with the design and authorship of the study that bears his name. Under cross examination, professor Jelinek admitted that his accusation that the Konstam article was ghostwritten was “inaccurate,” and he withdrew the accusation.

Merck Publication Policies

The company has explicit policies governing the authorship of papers related to Merck's medicines and vaccines, and we take those policies very seriously. Our policies have evolved and become more specific over time, as have the policies of others in the health care field, including those of medical journals. Merck's current publication policies are available at: www.merck.com/about/public_policy/research/home.html.

Additionally, on April 20 the company announced its support of the revised PhRMA *Principles on Conduct of Clinical Trials and Communication of Clinical Trial Results*, including the principles on authorship of medical manuscripts. The effective date of the revised PhRMA principles is Oct. 1, 2009. In the coming months, Merck will be conducting a comprehensive assessment of the revised principles to determine any necessary updates to our clinical processes and publication practices to ensure the company is compliant. Merck's statement on the principles is available at: http://www.merck.com/newsroom/pdf/merck_statement_ctp.pdf.

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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