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Merck to Appeal Verdict in Texas VIOXX® Product Liability Case

Montreal, Aug. 19, 2005 – Merck & Co., Inc. is disappointed a state court jury in Brazoria County, Texas, United States, returned a verdict in favor of the plaintiff in the VIOXX® product liability lawsuit, Ernst v. Merck. Merck will appeal the verdict.

“We believe that the plaintiff did not meet the standard set by Texas law to prove VIOXX caused Mr. Ernst’s death,” said Jonathan Skidmore of Fulbright & Jaworski, a member of Merck’s defense team. “There is no reliable scientific evidence that shows VIOXX causes cardiac arrhythmias, which an autopsy showed was the cause of Mr. Ernst’s death, along with coronary atherosclerosis.”

“This case did not call for punitive damages,” added Skidmore. “Merck acted responsibly and in the best interest of patients – 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.”

Independent scientific experts, including a U.S. Food and Drug Administration advisory panel and a Health Canada advisory panel, recently concluded that the medical benefits of VIOXX outweigh the cardiovascular risks for certain patients.

Merck is examining various bases for appeal, including:

- Allowing opinion testimony to be given to the jury by unqualified experts,
- Allowing opinion testimony that was not based on a reliable scientific basis as required by Texas law,
- Allowing evidence with no relevance to the issues of the case, which unfairly prejudiced the jury, and
- Allowing undisclosed surprise witness and expert testimony contrary to Texas law.

“We believe that we have strong points to raise on appeal and are hopeful that the appeals process will correct the verdict,” said Kenneth C. Frazier, senior vice president and general counsel of Merck. “Our appeal is about fundamental rights to a fair trial.”

“There are other VIOXX cases coming to trial in and outside the United States and we will vigorously defend them one by one over the coming years,” Frazier added. “The American jury system is very different from the legal systems outside of the United States.”

About Merck

Merck & Co., Inc. is a global research-driven pharmaceutical company dedicated to putting patients first. Established in 1891, Merck discovers, develops, manufactures and markets vaccines and medicines in more than 20 therapeutic categories. 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 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, 2004, and in its periodic reports on Form 10-Q and Form 8-K, which the company incorporates by reference.

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