

Neil Gordon

From: Rogers, Ronald [ronald_rogers@merck.com]
Sent: Monday, July 21, 2008 3:07 PM
To: ngordon@pogo.org
Subject: MERCK RESPONSE TO POGO INQUIRY

Neil Gordon
Project on Government Oversight
666 Eleventh Street, NW
Suite 900
Washington, DC 20001-4542

Re: Federal Contractor Misconduct Database

Dear Mr. Gordon:

We received your June 6, 2008 letter seeking verification of what you characterize as relevant findings about Merck & Co., Inc. that POGO intends to publish on-line in its Federal Contractor Misconduct Database.

Several of the proposed findings are not correct, as could be readily be determined by reference to publicly available resources. Merck's website provides up to date information about many of the findings on your list. Among other information for investors and consumers, Merck has consolidated information about Vioxx cases in the Vioxx Information Center, <http://www.merck.com/newsroom/vioxx/>.

Through this resource, one can readily see that the jury verdicts in the *Ernst* and *Garza* cases were set aside on appeal and judgments were entered in favor of Merck in those cases, rendering your findings about those judgments wrong. Similarly, an appellate opinion substantially reduced the amount of the judgment in the *McDarby* case, yet your findings reflect the amount of the original judgment. Of the eighteen Vioxx personal injury cases that have gone to trial, there are judgments against Merck in three cases.

Similarly, other findings are incomplete and misleading. With respect to the three findings associated with Medco, which range from 2002 to 2006, you fail to acknowledge that Merck divested Medco in August of 2003. Information about the divestiture is set forth in Merck's 2003 annual report.

As a result, we recommend POGO conduct a more thorough investigation of publicly available information with regard to Merck & Co., Inc., much of which is easily accessible through www.merck.com, before posting its findings.

Sincerely,
Ron Rogers
908-423-6449

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7/21/2008