



Statement

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Merck Frosst Statement Regarding Authorization of Limited Class of VIOXX Users in Quebec

In Preliminary Proceedings Court Declines to Include Users Who Alleged No Injury

Montreal, November 9, 2006 – In preliminary proceedings, a Quebec Court today decided to authorize a limited class of VIOXX users in Quebec, declining to include in the class the vast majority of users who took the medicine and did not allege they were injured. In the ruling, the Court noted that such a proceeding still may not be able to address all the remaining claims because of the individual character of those claims.

Merck Frosst Canada Ltd. had argued against authorization asserting that each plaintiff's case should be tried separately. The company said it has the right to seek to de-authorize the class in later proceedings.

"We are pleased the judge declined to include in the class the vast majority of VIOXX users who took the drug and did not allege they were injured," said André J. Payeur of McCarthy Tétrault LLP, national counsel for Merck Frosst and Merck & Co., Inc.

"Although we would have preferred that no class be authorized, Merck has the right to move to de-authorize the class at a later date."

In reaching today's decision, Justice André Denis stated that Merck's arguments are not without merit and made it clear that the court is not expressing a view on the merits of the claims or Merck's defense.

In the preliminary proceedings, Merck argued that the plaintiffs failed to meet the criteria for authorization under Quebec law and that a class action is not the appropriate procedure for the resolution of these plaintiffs' individual claims. It argued that these cases should be tried as individual cases, not as a class action, because each plaintiff's case is unique and depends on an individual set of facts.

The authorization process in a class action proceeding is a multi-stage approach. Once the Court authorizes the application, the defendant has a right to seek to de-authorize the class later in the proceedings. Such a motion can be brought when it becomes clearer that each plaintiff's case is unique and depends on an individual set of facts. Thereafter, if necessary, a trial on the merits of each case would be presented before the Court.

"We intend to vigorously defend these cases over the coming years, and we are confident that the courts will decide these cases based on sound science," added André J. Payeur. "We will continue to argue that centralized judicial management of individual cases, not a class action, is the appropriate procedure for trying each case in a fair and expeditious manner."

Authorization of class proceedings under the Quebec Code of Civil Procedure is unique to Quebec law. The decision of Justice Denis is not binding on the common-law jurisdictions in Canada.

Merck Frosst and Merck & Co., Inc. 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.

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

About Merck Frosst Canada Ltd.

At Merck Frosst, patients come first. Merck Frosst Canada Ltd. is a research-driven pharmaceutical company. Merck Frosst discovers, develops and markets a broad range of innovative medicines to improve human health. The Merck Frosst Centre for Therapeutic Research, one of the largest biomedical research facilities in Canada, has the mandate to discover new therapies for the treatment of respiratory diseases, inflammatory diseases, diabetes and osteoporosis. More information about Merck Frosst is available at <http://www.merckfrosst.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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