

MEDIA ADVISORY

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CANADA-WIDE SETTLEMENT REACHED IN VIOXX CLASS ACTIONS

LONDON, ONTARIO – A settlement has been reached which, if approved by the courts and fully implemented, will resolve Vioxx claims across Canada.

Class actions were filed across Canada on behalf of individuals who used and/or purchased Vioxx, a prescription pain medication distributed by Merck Frosst Canada Ltd. (“Merck”), which was available in Canada until September 30, 2004. The lawsuits included allegations that individuals ingesting Vioxx were placed at an increased risk of experiencing various medical conditions including a heart attack (myocardial infarction), sudden cardiac death, or ischemic stroke and that a proper warning of these increased risks was not provided.

The allegations made in the class actions have not been proven in court and the courts have not taken any position as to the truth or merits of the claims or defences asserted by either side. Merck denies the allegations.

The settlement is for up to \$36,881,250.00 depending upon the number of claims ultimately approved, and includes payments to provincial health insurers, payments towards legal costs, and payments for notice and claims administration. If the settlement is approved by the courts, individuals (or their estates) may be eligible to receive payment if they took Vioxx and then experienced a myocardial infarction, sudden cardiac death or ischemic stroke. Spouses and children of eligible claimants may also be eligible for payment.

According to Michael Peerless of Siskinds LLP, one of the lead counsel for the plaintiffs who negotiated the settlement, “While these were difficult and protracted negotiations, Merck should be commended for dealing with this issue in a fair and considered manner.”

Class Counsel is very pleased with the settlement which, if approved by the courts, will result in significant payments being distributed to eligible claimants. “This is an excellent result in a very challenging case” says Harvey Strosberg, one of the counsel representing Canadian Vioxx class members. “Under the terms of the settlement, eligible claimants will receive payment based on the type of event they experienced and a number of other factors including duration of use of Vioxx and risk factors”.

Individuals in Canada who used Vioxx are represented by a consortium of firms across the country. Further information for class members is available at the website www.vioxxnationalclassaction.com.

Notices of upcoming settlement approval hearings will be published in the near future. If the settlement is approved by the courts, further notices will be published which will include information on how to file a claim for payment.

For further information:

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