



LAW OFFICES OF
WHITE MEANY & WETHERALL, LLP

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PRESS RELEASE – Vytorin

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NEVADA CLASS ACTION ALLEGES MERCK'S VYTORIN FRAUD

(Reno, NV) – Two giant pharmaceutical drug-makers "reaped tens of millions of dollars in undeserved profits" from Nevada heart patients and their medical insurance providers by failing to reveal their cholesterol-lowering drugs worked no better than a much cheaper alternative, according to a Class Action lawsuit filed by the Nevada law firm of White Meany and Wetherall on behalf of thousands of Nevada heart patients.

The Class Action lawsuit filed against Merck & Co., Inc. and Schering-Plough Corporation in Nevada federal court alleges that those companies fraudulently over-marketed and hyped the benefits of their expensive drugs, Vytorin and Zetia, which retail for over \$100 per 30 pill prescription, when lower-cost generic alternatives costing less than \$10 per prescription worked just as well to lower cholesterol.

The lawsuit goes on to allege that Merck and Schering-Plough deliberately delayed for nearly two years the release of their internal study showing that Vytorin and Zetia were no more effective than much cheaper generic drugs at stopping plaque from accumulating in arteries. The study was released only after pressure from Congress.

The drugs were a profit machine for the two companies. During the nearly two year period that the negative findings about Vytorin and Zetia were withheld from the medical community and consumers, Merck and Schering-Plough grossed nearly \$10 Billion in sales from these drugs. An estimated \$100 million of those sales occurred in Nevada.

"They knowingly sold grossly overpriced pills that worked no better, and perhaps worse, than the generic form of Zocor (simvastatin), which is available at most Nevada pharmacies for less than 50 cents a pill....compared to over \$3 a pill for Vytorin or Zetia," said Geoffrey White, counsel for the plaintiff class representatives in the Class Action lawsuit.

White's law firm, White Meany & Wetherall recently obtained a historic \$134.5 million dollar verdict against Wyeth Pharmaceuticals in the hormone therapy litigation, and is also prosecuting Merck & Co. for its drug Vioxx, alleging heart damage to hundreds of Nevada citizens.

The Federal suit was filed under the Class Action Fairness Act on Friday, Feb. 1 in Nevada District Court. The Complaint charges that the companies and certain of their officers and directors violated The Nevada Deceptive Trade Practices Act. Specifically, the Complaint alleges that Merck and Schering-Plough issued materially false and misleading statements pertaining to the companies' two leading cholesterol drugs Vytorin and Zetia.

"The suit will show that the companies delayed the release of key data from a clinical study that ultimately revealed negative results about their blockbuster cholesterol drugs Vytorin and Zetia." White said. "This delay allowed them to rack up even more profits, before the late release of their withheld studies showed the truth... it was triple the cost and actually less effective than the generic form of Zocor."

Schering-Plough Corporation manufactures, markets, and/or sells the prescription drug Zetia. Zetia is a cholesterol-lowering drug, which acts by diminishing the absorption of cholesterol through the intestines.

Merck Corporation, Inc. manufactures, markets and/or sells the prescription drug Vytorin which is Merck's brand-name composite drug consisting of a proprietary combination of Zetia and Zocor. The drug Zocor is a statin, which reduces low-density lipoprotein (LDL) cholesterol and total cholesterol in the blood.

FOR FURTHER INFORMATION ON THIS SUIT, OR TO RECEIVE COPIES OF THE COMPLAINT OR TO SPEAK TO ONE OF THE LAWYERS REPRESENTING THE PLAINTIFFS, CALL Geoff White or Stewart White at their Reno office: 775-828-9999.

About White Meany & Wetherall, LLP

The statewide Law Offices of White Meany & Wetherall started in 1986 as the Law Offices of Geoffrey White. Attorney David Meany joined the firm in 1991 and became a partner in 1995, forming the Law Offices of White & Meany. The firm soon established itself as a leading Nevada law firm in the areas of personal injury, products liability and medical malpractice.

In 1995, White & Meany, with other members of its trial team, won the first verdict in the United States against Dow Chemical Co. (a \$14.2 Million dollar judgment) for its negligence in connection with the manufacturing and marketing of defective breast implants.

In 2001, Stewart White became a partner in the firm. During this period, White & Meany successfully represented clients in serious personal injury cases, as well as many people who were injured by the diet drugs Fen-Phen and Redux. In 2004, Peter Wetherall became the fourth partner, adding to the success of the firm, and the name became White Meany & Wetherall.

The firm has recently distinguished itself in the litigation against Merck involving Vioxx and against Wyeth involving hormone replacement therapy products.

The offices of White Meany & Wetherall are located at 3185 Lakeside Dr. Reno, Nevada and 9345 West Sunset Road Suite 100, Las Vegas, Nevada. Contact (775) 828-9999, (800) 574-1655 or attorney@whiteandmeany.com. The firm's website is www.whiteandmeany.com.