

Deliberations Start in 7th Vioxx Trial Advertisement

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ATLANTIC CITY, N.J. -- Jurors in the seventh trial over withdrawn painkiller Vioxx began deliberating Wednesday morning over the plaintiff's claim that the former Merck & Co. drug caused her 2004 heart attack.

Lawyers for Elaine Doherty, a 68-year-old grandmother of seven from Lawrenceville, N.J., alleged during the 5 1/2-week trial that Vioxx was a major cause of her heart attack and that Merck downplayed the risks of Vioxx both to doctors and to patients.

Merck lawyers countered that company officials disclosed the drug's risks appropriately and that Doherty's own cardiac risk factors _ including obesity, diabetes, and high blood pressure and cholesterol _ were responsible for her heart attack.

This is the seventh Vioxx case to go to a jury, but the first in which jurors will vote on whether Whitehouse Station, N.J.-based Merck failed to warn patients about the drug's cardiac risks, rather than just doctors as in prior trials.

If the jurors decide that Merck failed to warn either Doherty or her doctors, and that Vioxx was "a substantial contributing factor" in her heart attack, then they will decide whether compensatory and punitive damages are warranted.

At its peak, Vioxx was a \$2.5 billion-a-year blockbuster for Merck, which withdrew Vioxx from the market on Sept. 30, 2004, saying research showed it doubled risk of heart attack and stroke after 18 months' use. Data released since then indicate the risk started much sooner and persisted after people stopped taking Vioxx, numerous doctors say.

Merck now faces more than 13,000 Vioxx-related lawsuits and has vowed to fight them one by one. The company has lost three trials so far, with juries awarding multimillion-dollar verdicts in each. The company plans to appeal those losses.

On the Net:

<http://www.merck.com>