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VIOXX CLASS ACTION BEGINS

Law firm Slater & Gordon has begun a class action on behalf hundreds of Australians who suffered heart attacks or strokes after taking the anti-arthritis drug Vioxx.

About 250,000 Australians used Vioxx until it was withdrawn from sale, following a global recall of the drug on September 30 2004. It is estimated that thousands of Australians have suffered heart attacks or strokes because of Vioxx consumption. More than 400 have instructed Slater & Gordon to issue a class action on their behalf.

The writ filed today in the Supreme Court of Victoria seeks damages from the American manufacturer Merck & Co Inc Ltd, and its Australian subsidiary Merck Sharpe & Dohme (Australia) Pty Ltd which assembled the tablets locally from a chemical compound prepared in the US by Merck & Co Inc Ltd.

The writ alleges that Merck failed to warn doctors, pharmacists, other health professionals and the public that Vioxx contained rofecoxib which significantly increases the risk of arterial thrombosis and cardiovascular conditions such as heart attacks and strokes.

The lead claimant in the class action is 55-year-old Graeme Peterson, who used Vioxx from early 2001 and suffered a heart attack on December 8 2003. The former Global Safety Manager for BHP was a frequent international flyer, but now works only part-time, with a significant loss of income.

Mr Peterson was also a sea captain and used to enjoy diving. Now he can't go to sea at all. He no longer enjoys bike riding, camping, hiking or physical activities with his seven grand children. Instead he sees his cardiologist regularly and takes 5 or 6 medications daily. He is frustrated by this and resents that people view him as an invalid.

"The thing that gets me is that Merck knew the risks and let it continue – through greed," Mr Peterson said.

"What they've done is unconscionable.

"And it's not just me. At Heart Support Australia I meet the partners who've been left behind, who saw their husband or wife taken away in an ambulance.

"It's changed my life completely, my wife's life, my kids' lives, my grandkids' lives. And it's not going to change tomorrow or in six months – this is how it's going to be for the rest of my life."

Slater & Gordon special counsel Richard Meeran says the firm is confident that it has a strong case.

"Merck declined to warn doctors and the public about the possible cardiovascular risks associated with Vioxx," he said.

"In fact, a US Senate Inquiry found that Merck devised PR strategies to keep these possible risks under wraps.

"Only last week, the editorial of the prestigious *New England Journal of Medicine* expressed concern that heart attack and stroke cases appeared to have been intentionally omitted from a Merck-sponsored study of Vioxx users.

"The more evidence that emerges, the worse it seems to get for Merck," Mr Meeran said.

The proceedings will be conducted in cooperation and consultation with other plaintiff law firms who represent Vioxx victims in Australia. These include Shine Roche McGowan and Duncan Basheer Hannon.

For more information

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