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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
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Washington, DC 20515-6115

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May 20, 2008

Mr. Richard T. Clark
Chairman, President, and CEO
Merck & Co., Inc.
One Merck Drive
P.O. Box 100
Whitehouse Station, NJ 08889

Dear Mr. Clark:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating misleading and deceptive practices in direct-to-consumer (DTC) advertising of prescription pharmaceutical products.

In our hearing on May 8, 2008, we asked several questions related to DTC advertising, but we did not obtain adequate assurances that your company's future business practices would reduce misleading and deceptive DTC advertisements.

Therefore, we ask if you will commit Merck & Co., Inc., and any joint venture to which Merck & Co., Inc. is a party, to the following guidelines:

1. Follow the American Medical Association's guidelines regarding the use of actors and health professionals in DTC advertisements.
2. To not market products in DTC advertisements until a valid outcomes study of the product is completed and results are released.
3. Place a two-year DTC advertisement moratorium on new prescription drug products, as recommended by the Institute of Medicine.
4. To not market off-label uses for prescription products in DTC advertisements.

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5. Add the Food and Drug Administration's (FDA) toll-free MedWatch phone number in all your DTC advertisements.

We also ask that you answer one additional question that was not asked at the hearing:

6. If a product of Merck & Co., Inc., and any joint venture to which Merck & Co., Inc. is a party, is required by FDA to include a "black box" warning in its labeling, will Merck & Co., Inc. and any joint venture to which Merck & Co., Inc. is a party, commit to add these "black box" warnings in DTC ads for any such product?

Given the failure of the Merck & Co., Inc./Schering-Plough Corporation company witness to answer these questions at the May 8, 2008, hearing, your response as Chairman, President, and CEO of Merck & Co., Inc. is required. Please deliver your written response to the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, Room 316, Ford House Office Building. We ask for your immediate response as we are considering a second hearing on DTC advertising, and your answers will determine the nature as well as the role of you and your company in the hearing.

Thank you for your prompt attention to this matter. If you have any questions about this request, please contact us or have your staff contact John F. Sopko or Paul Jung with the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations