

MERCK STATEMENT

Merck agrees with Elsevier about the importance of appropriate disclosure of financial support, and we remain committed to providing journals with the information that permits such disclosures to be made.

Merck Sharpe & Dohme Australia (“MSDA”) understood that Elsevier envisaged the complimentary publication would draw on the vast resources of Elsevier, publishers of many leading peer-reviewed journals including Lancet, Bone, Joint Bone Spine and others, to deliver novel and timely full text articles and abstracts to physicians. According to published reports, Elsevier published a series of similar journals.

The journal published two issues a year in 2002, 2003, 2004, and 2005, for a total of eight issues. Beginning with the fifth of eight issues, Elsevier included a disclaimer that read “Disclaimer: The content of this publication is primarily made up of company-sponsored articles. The views expressed in the articles are those of the authors and do not necessarily reflect those of the sponsors. The members of the Honorary Editorial Board have not reviewed the content of the articles, and as such the contents do not reflect their views.”