

## A court case

Last year, the US pharmaceutical giant Merck withdrew one of its products – Vioxx, after patients suffered side effects. Now, the result of the first court case against Merck has been announced.

1 Match each legal term to its definition.

- |                         |   |
|-------------------------|---|
| (a) courtroom           | (1) to formally ask a court to change its decision                    |
| (b) to claim            | (2) legal responsibility  |
| (c) damages             | (3) money someone receives because something bad has happened to them |
| (d) compensation        | (4) money that a court orders you to pay someone                      |
| (e) to appeal (against) | (5) a room where legal cases are judged                               |
| (f) liability           | (6) to officially request money you have a right to                   |

Definitions from or based on *Macmillan English Dictionary* Text © Bloomsbury Publishing Plc 2002

2 Complete the missing information in the Fact Box by reading article below.

Fact Box: Vioxx	
(a) .....	Vioxx, a pain-killer, is launched in UK
September 2004	The drug is withdrawn; it has more than (b) ..... users world-wide
August 2005	Merck ordered to pay (c) ..... in damages to the widow of a Vioxx user

### Safety vs profits?

The first court battle is over – the pharmaceuticals giant, Merck, lost. In a courtroom in Texas in August this year, the company was ordered to pay \$253.4 million in damages to the widow of a Vioxx user. This decision may now open the way for thousands of people to take legal action against the company, and claim compensation. Apart from the US, there are potential court cases in the UK and Australia.

Vioxx was launched in the UK in 1999. The drug was originally seen as a breakthrough in pain relief for arthritis sufferers because it did not have the same side effects as similar products. Vioxx is known to have been taken by more than 20 million people worldwide before it was withdrawn in August last year. It was also used to provide pain relief for many other medical conditions. However, it emerged that the risk of heart attacks or strokes apparently increased if the

drug was taken for a long period. It is believed that the drug stayed on the market for some months after it was revealed it could be dangerous.

Was the drug company negligent? Did the firm know more about the risks than it made public, and put profit above safety? Merck denies responsibility. It has always maintained that it investigated the safety issues as soon as they became known. It stated that there was no scientific basis for the court judgment and it would appeal against it. Merck says the death of the patient was caused by other health problems, and not by Vioxx. Some analysts believe the company has a potential liability of up to \$18 billion. Meanwhile, research into the safety of other drugs continues. Other large pharmaceutical companies such as GlaxoSmithKline, Novartis and Pfizer are keen to prove that their products can provide safe pain control

3 Read the whole article. Summarise the positions of the two sides in this legal dispute.

4 Look at these verbs and write down the corresponding nouns. Create sentences with some of the words.

*decide    launch    market    research    risk    analyse    investigate    prove*

5 Work in small groups to discuss these questions. Try and use the legal terms from exercise 1. Be ready to report the results of your discussion to the class.

- Do US courts award too high damages? What levels of compensation are common in your country?
- Do you know of any cases of negligence? Or cases where ‘profits’ were placed above ‘safety’?
- Do you know any court cases involving an individual against a company? What was the outcome?