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Merck's History of Crimes and Misdemeanors

Richard Gale and Gary Null, ND

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ABSTRACT: Evidence presented shows that Iatraogenic Medicine (medical error) is a major cause of death. Now evidence gathered by the authors shows that one international drug company appears to have contributed greatly to this toll, through the provision of medically prescribed, FDA approved drugs to the health care system. This article is the opinion of its authors and not necessarily that of the publisher.

Which private corporation has likely been responsible for the deaths of more innocent people than any terrorist organization or military regime change in Afghanistan, Iraq, Libya, Syria and elsewhere? For us, the answer is evident: *Merck and Company*. Iatraogenic medicine, or medical error, is now the third leading cause of death in the US after cardiovascular disease and cancer. The majority of these deaths are caused by FDA approved drugs' adverse effects and from patients taking multiple medications without thorough clinical research to determine the safety of their synergistic effects. Consequently our health agencies' oversight and monitoring of drugs on the market is dismal.

One of the worst corporate deals the US government may have ever made in modern history was to acquire the American subsidiary of the German pharmaceutical firm Merck and Company during the first world war. Later in 1953, Merck acquired a competitive drug maker Sharp and Dohme, thereby establishing itself as America's largest drug developer and manufacturer. Since then this corporate Medusa has ensnared thirteen other drug firms, including Scherring Plough, which it acquired for $41 billion. The two pharmaceutical giants had earned $47 billion in combined sales at the time the merger was finalized in 2009.

Merck's legacy of lawsuits for crimes was observed back in the 1970s. In 1975, it was busted by the SEC for illegal payments to foreign government officials from "approximately" 36 nations. The scam was orchestrated through personal bank accounts with the sole purpose of advancing drug approvals through foreign nations' regulatory medical agencies.

One of the largest scandals in recent medical history was the company's anti-inflammatory drug Vioxx that resulted in fines above $4.8 billion for causing over a minimum 60,000 deaths

from sudden heart attacks and over 120,000 serious medical injuries. At its height, Vioxx was earning over $2 billion in revenues annually and it is estimated that 25 million patients were prescribed the medication. The securities class action suit against the company alone reached $1 billion, placing it in the top 15 securities lawsuits in US corporate history. The primary charge was Merck's intentional withholding of scientific data about the drug's adverse cardiovascular side effects.

Years after the settlement, Ron Unz, the publisher of *The American Conservative*, undertook his own investigation to validate Vioxx's death toll. Analyzing the drug's adverse effects over a longer time period, Unz estimated Merck may have been responsible for nearly half a million premature deaths in elderly patients, the drug's primary target group. That is roughly the same number of total civilian, military and terrorist deaths from the US's military escapades in Afghanistan, Iraq and Pakistan combined.

Merck's settlement of 47,000 pending lawsuits for personal injuries and 265 class action cases was a small pittance for the harm Vioxx left in its wake. Merck executives were never properly punished for willingly concealing the drug's dangers in order to assure FDA approval.

In Australia, Merck's efforts to increase Vioxx profits employed other forms of malfeasance. The Australian government launched a class action suit against the drug maker on charges that employees allegedly schemed a fake scientific paper that was ghostwritten for a medical journal in order to put Vioxx into a positive light. Testimonies during the trial stated data was completely based upon "wishful thinking." Merck also founded the peer-reviewed journal *Australasian Journal of Bone and Joint Medicine*. The journal was a fraud; it was not properly peer-reviewed and its primary purpose was to promote Vioxx on the Australian continent.

Moreover, the class action lawsuit contained Merck emails accessed by Australian officials. The company's internal communications allegedly ordered select employees to draft up a hit list of physicians who were critical of Vioxx. According to the documents, these physicians were targeted to be "neutralized" or "discredited." Some, including Dr. James Fries at Sanford University's medical school, were clinical investigators who happened to speak out about the drug's shortcomings. One email said, "We may need to seek them out and destroy them where they live..."

Efforts to target critics for harassment is not limited to Merck. Earlier, Monsanto earned a similar reputation. The Monsanto's parent company Bayer had to release a public apology for the

discovery of a Monsanto hit list of 200 French journalists and politicians who opposed glyphosate and its GMO crops. It has acted similarly in other countries including the US, according to veteran journalist Carey Gillam. The list originated from the multinational public relations firm Fleishman Hillard. Merck has also employed Fleishman Hillard as well as Monsanto's other notorious PR firm Ketchum. One of Merck's Executive Directors, Ian McConnell, earlier served as a vice president at Fleishman. The PR firm's senior adviser on healthcare Dr. Lukas Pfister, was at Merck for 25 years in its government affairs unit. Merck's revolving door is not limited to our federal health agencies, but also fully infiltrates some of the world's most shadowy international PR firms that specialize in whitewashing the public images of executive elites, corporations and in the case of the PR firm Burson-Marsteller even dictators. Following the Vioxx case, Merck had hired B-Marsteller to clean up its public image. MSNBC reported back in 2009, "When evil needs public relations, evil has Burson-Marsteller on speed dial."

But Merck's troubles with the dangers of its products, falsify data about drugs' efficacy and safety and exaggeration of medical claims go back sixty years. In the 1960s, the FDA discovered that the drug maker's arthritis medication Indocin had not been properly tested for efficacy and its adverse effects were being completely ignored. In the 1970s, Merck's drug diethylstilbestrol (DES) prescribed for the prevention of miscarriages caused a flurry of vaginal cancer cases and other gynecological disorders. Merck had all along known that DES was carcinogenic based upon its own animal clinical trials. In 2007, its cholesterol drug Zetia was shown to increase liver disease. Again Merck had known about Zetia's liver risks but withheld the clinical trial's damning results.

It would also appear that Merck has managed to hijack US courts as well. This includes an early 2019 ruling by Trump's corporate-friendly US Supreme Court to side with the drug maker and squash hundreds of lawsuits for failing to issue warnings that its osteoporosis drug Fosamax's may contribute to debilitating bone breaks. A federal court in California found that Merck committed perjury for lying in a patent infringement case against Gilead Sciences over the latter's blockbuster Hepatitis C drug Sovaldi. The judge ruled that Merck carried out a "systematic and outrageous deception in conjunction with unethical business practices and litigation misconduct." It turned out that Merck's patent claims were a sham and orchestrated by its legal division.

Besides pushing through the FDA dangerous medications onto the market, the company has also found itself in the courtroom on many occasions for allegedly price-fixing, routinely

defrauding and overbilling states' Medicare and Medicaid programs, and violating the Anti-Kickback Statute. In 2006, the IRS went after Merck for owing almost $2 billion in back taxes. According to the Wall Street Journal, Merck partnered with a British bank to create an offshore subsidiary in tax-friendly Bermuda to divert taxable revenue on its bestselling cholesterol drugs Zocor and Mevacor through a patent scheme. The company ran the operation for ten years before the FDA uncovered the racket.

Merck is America's leading vaccine manufacturer. Despite public perception and the ruse that vaccines are somehow safer and more effective than pharmaceutical drugs in general, it is the same industry and corporate culture that manufactures both them. Currently Merck markets vaccines for Haemophilus B, Hepatitis A and Hepatitis B (individually and in combination), human papilomavirus (Gardasil), Measles, Mumps and Rubella (MMR), pneumococcal, rotavirus, varicella (chickenpox) and Zoster virus (for shingles). More recently it has jumped into the coronavirus vaccine race. In 2010, Merck obtained exclusive rights to MassBiologics vaccine portfolio. The consequence is that Merck's Adult Vaccine Portfolio expanded to include 9 of the 10 vaccines on the CDC's adult immunization schedule. The company now holds almost a full monopoly on the government's vaccines

On its website, the FDA assures the public that "Vaccines, as with all products regulated by the FDA, undergo a rigorous review of laboratory and clinical data to ensure the safety, efficacy, purity and potency of these products." However, except for Gardasil, not a single one of Merck's vaccines has ever been tested in a scientifically viable double-blinded placebo controlled trial. In each case, the placebo in the control group was not inert, such as the use of sterile saline. Rather Merck only tested the vaccine with the viral component against a faux placebo containing the same ingredients, including aluminum, but minus the virus. Known as a "carrier solution," the standard scientific protocol does not designate it as a proper placebo for measuring the efficacy and disease risks of a drug. And in the case of Gardasil, the trial was statistical trickery to mask Gardasil's adverse effects. Therefore the FDA's claim is patently false. None of Merck's vaccines have ever undergone a "rigorous review" prior to regulatory approval.

Although not completely innocent from internal unfairness and conflicts of interest, the Cochrane Database Collaboration arguably remains the most reliable resource for analysis of drugs, vaccines and medical devices in the evidence-based medical establishment. In its 2016 analysis of Merck's human papillomavirus vaccine Gardasil, the investigators were so alarmed

they filed a complaint against the European Medical Agency for failing to adequately assess the vaccine's neurological harms.

As we have recently witnessed with Monsanto's Roundup and Bayer's settlement of $10 billion to cover 80,000 lawsuits, Gardasil may very well become the company's Achilles heel. The Gardasil scandal may very well begin to topple the vaccine regime and raise the public's already increasing awareness and distrust in the official mantra that vaccines are safe and effective. The development, scientific rationale, fraudulent clinical trials and data reporting, and inside negotiations with federal health officials to market the vaccine to pre-teen and teen girls and boys, is a story riddled with misconduct. Today it is Merck's third largest revenue-generating drug after its cancer drug Keytruda and diabetes drug Januvia, earning $3.1 billion in 2018. Its MMR vaccine is fifth having earned $1.8 billion. Gardasil's success has nothing to do with the prevention of an urgent national health need. Instead it was more likely a business strategy through Merck's influence over our nation's regulatory agencies and state politicians whose election campaigns it funds.

In 2018, a French oncologist, Dr. Gerard Delepine, stumbled upon a correlation between the increase of cervical cancer rates with the rising rates of Gardasil vaccinations. Delepine also compared France, which was deliberating on whether to mandate HPV vaccination, with other countries that relied upon pap smears as a preventative measure against cervical cancer. He observed that in all countries that prioritized pap smears, cervical cancer rates were decreasing; whereas, in those countries with higher HPV vaccination compliance, the rates increased. In his letter to the French government in defiance of Merck's lobbying efforts, Delephine stated:

> "A compulsory health measure should not be based on faith in vaccination or hidden conflicts of interest, but on proven facts, verifiable by every citizen. However, the facts established by the official records of cancer registries show that HPV vaccination does not protect against invasive cancer of the cervix, but seems rather to maintain its frequency at a high level and sometimes even increase it."

An article published in the French journal Agoravox noted that other national health ministries are coming around to acknowledge that Gardasil is an extremely unsafe vaccine. Japan, Austria and Denmark no longer promote it due to is trail of injuries with fatal consequences. Public demonstrations against Merck's Gardasil have occurred in Japan, Colombia, and Ireland.

Yet none of these efforts to warn the public about Gardasil's risks have reached the American media. Hopefully this may change. Medical researchers at the University of South Alabama presented their paper at the Society of Gynecologic Oncology's annual conference. There is great disparity between HPV vaccine compliance across Alabama counties, which range anywhere between 33 and 66 percent. Yet the epidemiological data suggests there is no evidence that Gardasil lowered cancer rates in counties with higher vaccine uptake. Moreover, there is zero chance of pre-teens and teens getting cervical cancer. The average age for the onset of the cancer is 50 years. Nor has the vaccine been on the market long enough to determine whether it protects a woman when she reaches even close to that age. Its product insert for physicians states the vaccine "may not result in protection in all vaccine recipients" and it "has not been demonstrated to prevent HPV-related CIN 2/3 [abnormal pre-cancerous cervical cells] or worse in women older than 26 years of age." Consequently, there is no scientific rationale for states to mandate the HPV vaccine for schoolchildren let alone even vaccinating them in the first place. In addition, the federal agencies and Merck market the vaccine under a false pretext that HPV infection is the leading cause of cervical cancer; correctly, only a third of cervical cancer cases are caused by the virus.

Robert Kennedy Jr is currently taking steps to sue Merck over the Gardasil deception. Merck's first effort to have the class action suit dismissed was overturned by the court. Kennedy's in-depth investigations through his Children's Health Defense organization has uncovered evidence that the vaccine increases birth defects in children conceived of HPV-vaccinated moms; miscarriages have increased 2000 percent above normal, and girls are experiencing serious reproductive complications, including infertility, at approximately ten-fold above the normal rate. During an interview on the Progressive Radio Network, he noted that there was 10 times greater risk of dying from cervical cancer among Gardasil trial participants compared to the general public. There is a 10-fold increase for ovarian failure, and 1 in 37 girls who receive the vaccine will experience an autoimmune disease after 6 months of receiving the series of injections. \When we consider that 1 in 37,000 women have a chance of dying from cervical cancer, it puts HPV vaccines into a completely different light. Sadly, across the nation, politicians from both sides of the aisle in state legislatures, notably Governor Andrew Cuomo in New York, are seemingly doing Merck's bidding to mandate Gardasil for all girls and boys upon entering school.

Based upon Kennedy's research and documents received from Freedom of Information Act

filings, during Merck's own Gardasil clinical trials, 2.3 percent of girls and women between the ages of 9 through 26 developed a serious autoimmune disease and crippling neurological disorders within seven months of vaccination. Among the 10,700 who received the actual vaccine, 245 (2.3%) had an autoimmune disorder; among the 9,412 who received either an "AAHS Control" -- the aluminum hydrophosphate sulfate adjuvant solution with other ingredients minus the HPV virus vectors, there were 218 (2.3%) life-threatening injuries. The most frequent adverse effects were arthritis and anthropathy, autoimmune thyroiditis, celiac disease, hyperthyroidism and hypothyroidism, inflammatory bowel disease, psoriasis, Raynaud's Phenomenon, rheumatoid arthritis and uveitis. In other words, it was the aluminum adjuvant responsible for this enormous suffering. He stated during the Progressive Radio Network broadcast that according to Merck's own statistics, girls are one hundred times more likely to experience a serious adverse effect from the vaccine than to be protected from cervical cancer.

In a 2012 article published in the *Journal of Law and Medical Ethics*, researchers at the University of British Columbia wrote that ever since Gardasil was approved in 2006, Merck has engaged in an "overly aggressive marketing strategies and lobbying campaigns aimed at promoting Gardasil as a mandatory vaccine." One strategy Merck has employed is to take advantage of FDA loopholes to fast track its drugs. In the case of its expanded Gardasil-9 for adults between the ages of 27 to 45, the company applied for fast tracking two days after the *Journal of Toxicological and Environmental Health* published a study that the HPV vaccine was lowering the probability of pregnancy for women in their 20s.

Unfortunately, the media has indiscriminately colluded with Merck. Drug companies, according to Kennedy, pay $4.5 billion to the major media networks and publications to promote their drugs. And none of the media outlets are willing to sacrifice their profits for advertising drugs on moral and ethical grounds.

Another scandal erupted within Merck's vaccine business in 2010 after two whistleblowers gave testimony that the mumps' component in its Measles-Mumps-Rubella (MMR) vaccine was based on fraudulent data about it's efficacy, and the company knowingly proceeded in order to corner the mumps vaccine market. Merck had been defrauding the US government, which purchases the MMR, for a decade. The government and the two Merck whistleblowers, virologists Stephen Krahling and Joan Wlochowski, filed a lawsuit against Merck for being in violation of the False Claims Act. According to the charges, Merck had "falsified its mumps vaccine test results to

hit an efficacy rate of 95 percent. The company achieved this by adding "animal antibodies to a blood sample to give the impression of increased antibodies." This would certainly explain why mumps outbreaks in summer camps and on college campuses are found to occur among those vaccinated.

Merck has gained enormous political and social influence over the national perception about vaccines. One example is Merck's behind the scenes aggression against the flim Vaxxed. When the documentary film was officially selected to screen during the 2016 Tribeca Film Festival in Manhattan, we discovered in an earlier report that Merck left its fingerprints on the film's removal and censorship. The Alfred Sloan Foundation is the festival's largest sponsor; pro-vaccine advocate Bill Gates is also a notable contributor. One of the leading persons on the Foundation's board of trustees was Dr. Peter Kim. Kim happens to be the former president of Merck's Research Laboratories who was directly responsible for the launch of Gardasil and Merck's other vaccines for the Zoster virus and rotavirus. The film presents a harsh indictment against Dr Julie Gerberding, the former head of the CDC who allegedly coordinated the cover up of data that confirmed thimerosal's role in the onset of autism. After managing the agency's operations to mine sweep the data and generate new studies with public funds to suggest thimerosal's safety, Gerberding accepted her reward from the pharmaceutical industry by becoming the head of Merck's vaccine division. In addition, according to the whistleblowing of a senior CDC scientist, Dr. William Thompson, Gerberding was allegedly responsible for destroying the CDC's research that showed African American boys were at a substantially higher risk of becoming autistic from Merck's MMR vaccine. Fortunately, Dr. Thompson, who was present during the order to shred documents, saved copies which he subsequently turned over to Congressman Bill Posy and an independent biologist Prof. Brian Hooker. Since then, Congress has failed to hold hearings.

All told, these examples of Merck's culture of greed, deception, political maneuvering and aggression has collectively injured countless people. Merck is a global corporation. Its products, like Monsanto's glyphoste, are marketed globally. To better understand Merck, the company should be perceived foremost as a cash cow for Wall Street. Its prime directive is selling drugs; its history of misdemeanors and crimes should indicate the company holds little integrity in its commitment to prevent and treat disease. The full extent of the casualties from Merck's drugs and vaccines may never be properly calculated. For firms such as Merck and Monsanto, injuries and

deaths are the necessary collateral damage of getting poorly tested products on the market and as fast as possible. A black box should be slapped on the Merck logo.

What is important at this moment is that many corporations are fast-tracking, without sufficient long-term animal and human clinical trials, Merck is now aggressively making efforts to beat out its competition with a Covid-19 vaccine. Do we really want to trust such a company with this reputation with a Covid vaccine? Therefore we recommend people to support the efforts of Bobby Kennedy and the Children's Health Defense in its lawsuit against Merck's Gardasil. A victory may well weaken the entire edifice of vaccine pseudoscience and the public will realize that for decades it has been little more than a house of cards.

Richard Gale *is the Executive Producer of the Progressive Radio Network and a former Senior Research Analyst in the biotechnology and genomic industries.*

Dr. Gary Null *is the host of America's longest running public radio program on alternative and nutritional health and a multi-award-winning documentary film director, including War on Health and more recently Last Call for Tomorrow*

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