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Drug giant Merck loses negligence case

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21 August, 2005

THE ARTICLE

Drug giant Merck loses negligence case

BNE: US drug giant Merck and Co. has lost the first of over 4,000 lawsuits brought against it because of its painkiller Vioxx. A Texas jury awarded \$253 million to the widow of a man who died from cardiac arrest after taking the drug. The payment to Carol Ernst included \$229 million in damages for negligence and other factors. Merck took its best-selling drug off the market last September. Laboratory tests showed it could double the risk of heart attacks. Thousands of people around the world will now sue Merck for wrongful death and injury.

This court case raises serious questions for Merck, whose future is now uncertain. It could have to pay up to \$18 billion in damages. Losing the Ernst case is a bad omen for the company. The link between Mr. Ernst's death and the painkiller was reportedly quite weak. A Merck lawyer, Jonathan Skidmore, said: "We believe that the plaintiff did not meet the standard set by Texas law to prove Vioxx caused Ernst's death." A second trial is scheduled to start next month in New Jersey concerning a man who had a heart attack in 2001.

WARM-UPS

1. MEDICINE: Talk to your partner(s) about your history of taking medicine. Did you like taking medicine as a child? Do you often take medicine now? Try to think of all the causes and reasons why you have taken medicine.

2. ILLNESS: In pairs / groups, talk about whether or how often you have had any of the following. What treatment or medicine did you take / receive?

- Heart problems
- Headaches and migraines
- Fever
- Broken or fractured bones
- Bee stings and insect bites
- Allergies
- Diarrhea or constipation
- Stress
- Insomnia
- Burns

3. CHAT: In pairs / groups, decide which of these topics or words are most interesting and which are most boring.

Drug giants / drugs / lawsuits / painkillers / pain / damages / negligence / cardiac arrest / wrongful death / bad omens / lawyers / trials

Have a chat about the topics you liked. For more conversation, change topics and partners frequently.

4. JURY: Spend one minute writing down all of the different words you associate with the word "jury". Share your words with your partner(s) and talk about them. Together, put the words into different categories.

5. OPINIONS: Talk about these opinions with your partner(s). Do you agree or disagree with them?

- a. Drug companies are more interested in profits than people.
- b. Drug companies are dangerous – they hide many secrets about their drugs.
- c. Drug companies save millions of lives.
- d. The pharmaceutical industry is the most important in the world.
- e. Drug companies should do more to help the developing world.
- f. Drugs and medicines are too expensive.
- g. Many drugs do not work.
- h. Drug companies help to increase world overpopulation.
- i. Governments should give money to help drug companies find new medicines.
- j. Drug companies have too much political power.

6. QUICK DEBATE: Students A think the pharmaceutical industry is the most important industry in the world. Students B think not. Change partners often.

BEFORE READING / LISTENING

1. TRUE / FALSE: Look at the article's headline and guess whether these sentences are true (T) or false (F):

- | | |
|--|-------|
| a. A drug giant has lost the first of 4,000 lawsuits filed against it. | T / F |
| b. A man died of a heart attack after taking the company's drugs. | T / F |
| c. The company has refused to withdraw its drug from the market. | T / F |
| d. The drug is reported to double the risk of heart attack. | T / F |
| e. The drug giant is in danger of going out of business. | T / F |
| f. The company believes it is surrounded by bad omens. | T / F |
| g. There was a very strong link between the man's death and the drug. | T / F |
| h. Hundreds of new trials will start against the country next month. | T / F |

2. SYNONYM MATCH: Match the following synonyms from the article:

- | | |
|-------------------|----------------|
| a. drug | as much as |
| b. lawsuits | carelessness |
| c. cardiac arrest | defendant |
| d. negligence | poses |
| e. wrongful | court cases |
| f. raises | connection |
| g. up to | pharmaceutical |
| h. link | regarding |
| i. plaintiff | unjust |
| j. concerning | heart attack |

3. PHRASE MATCH: Match the following phrases from the article (sometimes more than one combination is possible):

- | | |
|---------------------------------|----------------------------------|
| a. Merck and Co. has lost | of heart attacks |
| b. A Texas jury awarded | damages for negligence |
| c. died from cardiac | \$253 million to the widow |
| d. \$229 million in | death and the painkiller |
| e. double the risk | to \$18 billion in damages |
| f. whose future | set by Texas law |
| g. could have to pay up | the first of over 4,000 lawsuits |
| h. The link between Mr. Ernst's | scheduled to start next month |
| i. did not meet the standard | arrest after taking the drug |
| j. A second trial is | is now uncertain |

WHILE READING / LISTENING

GAP FILL: Put the words in the column on the right into the gaps in the text.

Drug giant Merck loses negligence case

BNE: US drug _____ Merck and Co. has lost the first of over 4,000 lawsuits brought against it because of its _____ Vioxx. A Texas jury awarded \$253 million to the _____ of a man who died from cardiac arrest after taking the drug. The _____ to Carol Ernst included \$229 million in damages for negligence and other _____. Merck took its best-selling drug off the _____ last September. Laboratory tests showed it could _____ the risk of heart attacks. Thousands of people around the world will now _____ Merck for wrongful death and injury.

This court case raises serious _____ for Merck, whose future is now _____. It could have to pay up to \$18 billion in damages. Losing the Ernst case is a bad _____ for the company. The _____ between Mr. Ernst's death and the painkiller was reportedly quite _____. A Merck lawyer, Jonathan Skidmore, said: "We believe that the plaintiff did not meet the standard set by Texas law to _____ Vioxx caused Ernst's death." A second _____ is scheduled to start next month in New Jersey _____ a man who had a heart attack in 2001.

double
payment
painkiller
sue
widow
factors
giant
market

trial
link
uncertain
weak
concerning
questions
prove
omen

AFTER READING / LISTENING

1. WORD SEARCH: Look in your dictionaries / computer to find collocates, other meanings, information, synonyms ... for the words **'pain'** and **'killer'**.

- Share your findings with your partners.
- Make questions using the words you found.
- Ask your partner / group your questions.

2. ARTICLE QUESTIONS: Look back at the article and write down some questions you would like to ask the class about the text.

- Share your questions with other classmates / groups.
- Ask your partner / group your questions.

3. GAP FILL: In pairs / groups, compare your answers to this exercise. Check your answers. Talk about the words from the gap fill. Were they new, interesting, worth learning...?

4. VOCABULARY: Circle any words you do not understand. In groups, pool unknown words and use dictionaries to find their meanings.

5. STUDENT "PHARMACEUTICAL COMPANY" SURVEY: In pairs / groups, write down questions about pharmaceutical companies and drugs.

- Ask other classmates your questions and note down their answers.
- Go back to your original partner / group and compare your findings.
- Make mini-presentations to other groups on your findings.

6. TEST EACH OTHER: Look at the words below. With your partner, try to recall exactly how these were used in the text:

- lost
- widow
- payment
- best-selling
- double
- wrongful
- questions
- omen
- weak
- plaintiff
- prove
- scheduled

DISCUSSION

STUDENT A's QUESTIONS (Do not show these to student B)

- a. What did you think when you first read this headline?
- b. Did the headline make you want to read the article?
- c. What do you think of Merck losing this trial?
- d. Do you think drug companies often escape in court cases?
- e. Is \$253 million the right amount of damages?
- f. Has Merck accepted its drug is dangerous by withdrawing it from the market last year?
- g. Should there be stricter safety controls on drug companies?
- h. Do you think drug companies care more about profits than people?
- i. Do you think Mrs. Ernst is satisfied with the jury's decision?
- j. Have you suffered any side effects from taking drugs?

STUDENT B's QUESTIONS (Do not show these to student A)

- a. Did you like reading this article?
- b. What do you think about what you read?
- c. The payment included damages for negligence. What do you think this means?
- d. Do you think Merck will survive the lawsuits around the world?
- e. Is there a message for other drug companies?
- f. Do you think drug companies will now start testing their products more carefully?
- g. Do you think drug companies should do more to help the developing world?
- h. Would you take drugs made by Merck?
- i. Do you worry about the safety of medicines you take?
- j. Did you like this discussion?

AFTER DISCUSSION: Join another partner / group and tell them what you talked about.

- a. What question would you like to ask about this topic?
- b. What was the most interesting thing you heard?
- c. Was there a question you didn't like?
- d. Was there something you totally disagreed with?
- e. What did you like talking about?
- f. Do you want to know how anyone else answered the questions?
- g. Which was the most difficult question?

SPEAKING

ROLE PLAY: This role play is to discuss whether or not Merck should pay damages to everyone who has filed a lawsuit against it. Team up with classmates who have the same role as you. Develop your roles and discuss ideas and “strategies” before the role play begins.

Introduce yourself to the other role players.

Role A – Merck Boss

You do not accept the links between your painkiller and heart attacks. Your researchers have found no link. Other studies have many problems. The Ernst court case was unfair, It did not look at all of the facts. Vioxx is a wonderful and safe drug.

THINK OF MORE REASONS WHY MERCK SHOULD NOT PAY.

Role B – Heart attack victim

You have never been ill in your life. You regularly run marathons. You took Vioxx for pain in your hands. A month later you had a heart attack. You are sure it is because of Vioxx. You want damages. You can no longer run and now have many heart problems.

THINK OF MORE REASONS WHY MERCK SHOULD PAY YOU.

Role C – Watchdog

You have information that many drug companies lie and cover up the truth to protect their image. They are more interested in profits. They pay political parties lots of money to protect their industry. Merck knew of the risks of Vioxx but never expected to be sued. You think Merck should go bankrupt as an example to other companies.

THINK OF MORE REASONS WHY MERCK IS BAD.

Role D – Patient

Merck has greatly improved your life. The product Vioxx has totally made the pain you suffered for many years completely disappear. You have never suffered any heart problems. You think many people have decided to copy each other and try to get money from Merck unfairly.

THINK OF MORE REASONS WHY MERCK IS A GOOD COMPANY.

Change roles and repeat the role play. Comment in groups about the differences between the two role plays.

In pairs / groups, discuss whether you really believe in what you said while you were in your roles.

LISTENING

Listen and fill in the spaces.

Drug giant Merck loses negligence case

BNE: US drug giant Merck and Co. has _____ the first of over 4,000 lawsuits brought against it because of its painkiller Vioxx. A Texas _____ awarded \$253 million to the _____ of a man who died from cardiac arrest after taking the drug. The payment to Carol Ernst included \$229 million in damages for negligence and other _____. Merck took its best-selling drug off the _____ last September. Laboratory tests showed it could _____ the risk of heart attacks. Thousands of people around the world will now sue Merck for wrongful death and _____.

This court case _____ serious questions for Merck, whose future is now uncertain. It could have to _____ \$18 billion in damages. Losing the Ernst case is a bad _____ for the company. The link between Mr. Ernst's death and the painkiller was reportedly quite _____. A Merck lawyer, Jonathan Skidmore, said: "We believe that the plaintiff did not meet the standard set by Texas law to _____ Vioxx caused Ernst's death." A second trial is scheduled to start next month in New Jersey _____ a man who had a heart attack in 2001.

HOMEWORK

1. VOCABULARY EXTENSION: Choose several of the words from the text. Use a dictionary or Google's search field (or another search engine) to build up more associations / collocations of each word.

2. INTERNET: Search the Internet and find more information on the pharmaceutical giant Merck. Share your findings with your class in the next lesson.

3. LETTER: Write a letter to the boss of Merck. Tell him / her what you think of the court decision. What do you think the company should do from now? Read your letters to your classmates in your next lesson. Did you all write about similar things?

4. MEDICINE: Create a poster comparing pharmaceutical medicines with other kinds of medicines and treatments, such as traditional Chinese medicine, herbal medicine, acupuncture, etc. Did you all write about similar things?

ANSWERS

TRUE / FALSE:

- a. T b. T c. F d. T e. T f. F g. F h. F

SYNONYM MATCH:

- | | |
|-------------------|----------------|
| a. drug | pharmaceutical |
| b. lawsuits | court cases |
| c. cardiac arrest | heart attacks |
| d. negligence | carelessness |
| e. wrongful | unjust |
| f. raises | poses |
| g. up to | as much as |
| h. link | connection |
| i. plaintiff | defendant |
| j. concerning | regarding |

PHRASE MATCH:

- | | |
|---------------------------------|----------------------------------|
| a. Merck and Co. has lost | the first of over 4,000 lawsuits |
| b. A Texas jury awarded | \$253 million to the widow |
| c. died from cardiac | arrest after taking the drug |
| d. \$229 million in | damages for negligence |
| e. double the risk | of heart attacks |
| f. whose future | is now uncertain |
| g. could have to pay up | to \$18 billion in damages |
| h. The link between Mr. Ernst's | death and the painkiller |
| i. did not meet the standard | set by Texas law |
| j. A second trial is | scheduled to start next month |

GAP FILL:

Drug giant Merck loses negligence case

BNE: US drug **giant** Merck and Co. has lost the first of over 4,000 lawsuits brought against it because of its **painkiller** Vioxx. A Texas jury awarded \$253 million to the **widow** of a man who died from cardiac arrest after taking the drug. The **payment** to Carol Ernst included \$229 million in damages for negligence and other **factors**. Merck took its best-selling drug off the **market** last September. Laboratory tests showed it could **double** the risk of heart attacks. Thousands of people around the world will now **sue** Merck for wrongful death and injury.

This court case raises serious **questions** for Merck, whose future is now **uncertain**. It could have to pay up to \$18 billion in damages. Losing the Ernst case is a bad **omen** for the company. The **link** between Mr. Ernst's death and the painkiller was reportedly quite **weak**. A Merck lawyer, Jonathan Skidmore, said: "We believe that the plaintiff did not meet the standard set by Texas law to **prove** Vioxx caused Ernst's death." A second **trial** is scheduled to start next month in New Jersey **concerning** a man who had a heart attack in 2001.