ORIGINAL SOURCE PDF: http://www.naturalnews.com/gallery/documents/Merck-False-Claims-Act.pdf

MMR/Measles Court Docs: two PDFs (best quotes)

Natural News - Where Real Medical History is Archived in the Public Interest
http://www.naturalnews.com/048402_measles_vaccine_scientific_fraud_court_documents.html#ixzz3PwJd8E4Q

Following quotes are from the 1st PDF document entitled:
Stephen A Krahling and Joan A. Wlochowski vs. Merck & Co
(30 page document of lawsuit)

Special note: *page numbers I provide for reference are per PDF count and not what is printed at bottom of any given docket.*

(Quotes starting from the introduction)

"This case is about Merck's efforts for more than a decade to defraud the United States with respect to the efficacy of Merck's mumps vaccine."

"For more than thirty years Merck has had an exclusive license from the FDA to manufacture and sell a mumps vaccine in the US."

"Merck's original mumps vaccine was delivered to patients in a single, stand-alone injection." (until MMR in 1971)

"The FDA insists on such a high efficacy rate (95%) because only then can the disease ultimately be eradicated through what is commonly referred to as "herd immunity."

"Without demonstrating that its mumps vaccine continued to be 95% effective, Merck would lose its exclusive license to manufacture and sell its MMRII vaccine."

"Merck internally referred to the testing as Protocol 007."

"It did not test the vaccine for its ability to protect against a "wild-type" mumps virus."

(From page 9; testing is altered before and after)

"Relators Krahling and Wlochowski participated on the team that conducted this supposedly enhanced test. Each of them witnessed firsthand the falsification of the test data in which Merck engaged to reach its 95% efficacy threshold. In fact, each was significantly pressured by Krah and other senior Merck personnel to participate in this fraud."

"Merck added rabbit antibodies for the singular purpose of altering the outcome of the test by increasing the virus neutralization count."

"Without applying a proper "control" to the process, there is no way to isolate whether virus neutralization is caused by the human antibodies alone or in combination with the rabbit's antibodies, Merck did not apply this kind of control."

"And adding rabbit antibodies as a supplement to a vaccine was not an option because it could result in serious complications to a human, even death."

(top of p. 13; Senior Management knows about the fraud)

"Krah did not act alone in orchestrating the falsification of Merck's mumps vaccine test results. He acted with the authority and approval of Merck's senior management."

"In July, Relator Krahling met with Alan Shaw, Merck's Executive Director of Vaccine Research and complained to him about the fraudulent vaccine testing."

"Shaw talked about the significant bonuses that Emini had promised to pay once the testing was complete."

(jail threat for telling truth)

"Relator Krahling then met with Bob Suter, Krahling's human resources representative at Merck. Krahling told Suter about the falsification of testing data and Shaw's refusal to get involved. Krahling told Suter that he was going to report the activity to the FDA. Suter told him he would go to jail if he contacted the FDA and offered to set up a private meeting with Emini where Krahling could discuss his concerns."

"Emini agreed that Krah had misrepresented the data. Krahling also complained about the use of rabbit antibodies to inflate the seroconversion rate. Emini responded that the rabbit antibodies were necessary for Merck to achieve the project's objective."

(After the jail 'threat') (p. 14)

The next morning, Krah arrived early to the lab and packaged up and destroyed evidence of the ongoing Protocol 007 efficacy testing. This included garbage bags full of the experimental plates that would have (and should have) been maintained for review until the testing was complete and final."

(FDA agent mysteriously doesn't address destroyed evidence)

"Despite the threats he received from Suter and Emini, Krahling called the FDA to report this activity and Merck's ongoing fraud. On August 6, 2001, in response to Krahling's call, an FDA agent came to Merck to question Krah and Shaw." (later) "And she did not address the actual destruction of evidence that Krah had already facilitated."

(bottom of page 17)

"What no one knew outside of Merck - - not the FDA, the CDC or any other governmental agency - - was that this result was the product of Merck's improper use of rabbit antibodies and the wide-scale falsification of test data to conceal the inflated seroconversion numbers these antibodies generated."

(Merck gets FDA's exclusive license/approval in 2005 for "ProQuad" - combo vaccine for MMRII/chicken pox using falsified mumps vax statistics)

"In 2005, the FDA granted Merck approval and an exclusive U.S. license for its ProQuad vaccine. Merck obtained the license continuing to misrepresent the efficacy of its mumps vaccine."

(page 20)

"Around the same time, the EMA also approved Sanofi Pasteur MSD's application for sale of Merck's ProQuad in Europe. As with MMRVaxPro, Merck's joint venture submitted the falsified results of Protocol 007 to the EMA as supportive clinical information in its vaccine application."

"In 2006, more than 6,500 cases of mumps were reported in the Mid-West. This was the largest mumps outbreak in almost twenty years ..."

"The CDC, FDA and Merck publicly worked together to determine the cause of this 2006 outbreak. Of course, only Merck knew that the primary cause was the insufficient efficacy of its vaccine."

"In another study, several scientists questioned Merck's use of the Jeryl Lynn strain, instead of the wild-type virus, in Merck's efficacy testing."

(Two major outbreaks among the vaccinated; 2006 and 2009)

"Currently, Emory University is conducting clinical trials of its university students in yet another attempt to explain the cause for the 2006 mumps outbreak among college-age students who had received both doses of the vaccine."

(page 23)

"Dr Gerberding, the head of the CDC during the 2006 outbreak, has also left the CDC. In January 2010, she became the president of Merck's Vaccine Division."

"As with the 2006 outbreak, the ongoing 2009 outbreak occurred despite high vaccination coverage among the U.S. children's population. As of August 2010, more than 3,700 cases had been reported to the CDC."

"Over the past decade, Merck's fraudulent scheme to misrepresent the efficacy of its mumps vaccine has cost the U.S. hundreds of millions of dollars through the government's annual purchases of the vaccine under the National Vaccine Program ("NVP")."

"The CDC has recommended Merck's mumps vaccine for more than thirty years, a recommendation premised on the CDC's belief that the vaccine had an efficacy rate of 95% or higher."

(bottom of page 25)

"The CDC annually purchases from Merck anywhere from $60 million to $75 million for its MMRII Vaccine. This comes from the following approximate calculation:

4 million (annual number of U.S. births)
x
.95 (childhood vaccination rate)
x
2 (number of doses per vaccinated child)
x
.52 (rate of vaccine spending attributed to CDC)
x
15 to 18.6 (dollar price range of MMRII dose from 2000 to present)"

The mumps component of the vaccine represents about 40 percent of the vaccine's total cost."

"Since 2000, the CDC has thus paid Merck more than $600 million for its MMRII vaccine. These amounts are likely conservative because they do not account for the CDC's purchases of ProQuad, which is significantly more expensive than MMRII, and purchases of adult doses of MMRII and ProQuad, which Merck also sells to the CDC. Over this period, the U.S. has therefore paid between a half and three quarters of a billion dollars for a vaccine that does not provide adequate immunization."

(False Claims Act filed against Merck)

"Each representation Merck made to the government of 95% efficacy rate - through its product packaged inserts, the reporting of its fabricated test results, and otherwise constituted a false statement of record."

(page 29)
"The United States government, the public, and the public treasury have been damaged by and continue to be damaged by Merck's fraudulent conduct."

"In addition, Merck's fraudulent conduct may be in violation of a 2008 Corporate Integrity Agreement that Merck entered into with the Office of Inspector General of the Department of Health and Human Services."

Following quotes are from the 2nd PDF entitled:
(Plaintiff) Chatham Primary Care, P.C. (on behalf of itself and on behalf of all others similarly situated) vs Merck & Co, Inc. (defendant)
(61 page document of lawsuit)

Nature of Suit: **Antitrust** (Class action suit with Jury) dated 6/25/2012

Special note: *page numbers I provide for reference are per PDF count and not what is printed at bottom of any given docket.*

(page 15) "Merck added animal antibodies to both the pre and post-vaccination blood samples."

"This "enhanced" PRN methodology thereby allowed Merck to increase dramatically the recordable instances of mumps virus neutralization and to count those neutralizations toward seroconversion and its measure of the vaccine's success."

(now starting at bottom of page 37, because all of this is **repeated** from other PDF until this point)

"Through its false representations of the Mumps Vaccine's efficacy rate and its efforts to conceal the significantly lower efficacy rate that the Protocol 007 testing confirmed, Merck has unlawfully monopolized the Relevant Market and foreclosed potential competitors from entering the Market with a new Mumps Vaccine."

"No manufacturer is going to sink the time, energy and resources into developing the vaccine for sale in the U.S. with the artificially high bar Merck has unlawfully devised."

"Entering the relevant market would be particularly risky in the case of the Mumps Vaccine given the four decade lock Merck has had on the Market."

(page 39)
"Given the absence of any competition in the Relevant Market, Merck has used its unlawful monopoly power to charge artificially inflated prices for its Mumps Vaccine." (up to 85% more according to chart on p. 40 - provided as figure 1; jumps from $29 to $52)

(page 40 - 42)

(Cited in "questions of law and fact" at 132, part f, it reads as follows):

"whether Merck's Mumps Vaccine was merchantable at the time of same;"

(Questions of law also challenge State Consumer Protection laws and deceptive business acts, anti-trust, etc.)

"whether Merck engaged in unlawful, unfair, misleading or deceptive business acts or practices in the marketing and sale of its Mumps Vaccine;"

(page 43)

(plaintiff's claims are not barred by statute of limitations - meaning the public and "Class" had no means of obtaining these facts concerning efficacy, so no time limit applies)

"No information in the public domain was available to Plaintiff and the members of the Class ..." (until 2012 case revealed that Merck lied for over a decade)

(Cite #142)

"The affirmative acts of Merck alleged herein, including the unlawful, anticompetitive conduct, were wrongfully concealed and carried out in a manner that precluded detection."

(2nd half of page 45; "First Cause of Action" - **Violation of the Sherman Act**)

#148 (very important)

"Merck acquired, willfully maintained and unlawfully exercised monopoly power in the relevant Market, through the exclusionary, anticompetitive conduct set forth above, including, but not limited to: (i) falsifying data in order to represent, and then falsely representing that its Mumps Vaccine is 95% effective in package inserts, government applications, during recent outbreaks and through the IAC; and (ii) actively concealing the true, substantially lower efficacy of its Mumps Vaccine by destroying evidence of falsified data, lying to an FDA representative, attempting to buy the silence and cooperation of its staff by offering financial incentives, and threatening one then-employee, Relator Stephen Krahling, with jail if he reported the fraud to the FDA."

(Third Cause of Action - Breach of Warranty; p. 51)

"... Merck made the above-described representation to induce Plaintiff and the members of the Class to rely on the Representation and they each did so rely on Merck's representations as a material fact in their decision(s) to purchase Mumps Vaccine."

"At all times relevant to this action, Merck has breached its express warranties with regards to the Mumps Vaccine because the Mumps Vaccine does not have the 95% efficacy rate represented by Merck, in violation of state express warranty laws including: (all fifty US states are listed here on docket)."

(Fifth Cause of Action - Unjust Enrichment; p. 58)

(#177)

"To the detriment of Plaintiff and the members of the Class, Merck has been and continues to be unjustly enriched as a result of its unlawful and/or wrongful conduct. Merck has unjustly benefited through the sale of its Mumps Vaccine at inflated, anticompetitive monopoly prices to Plaintiff and members of the Class."

(Prayer for Relief; Plaintiff seeks judgment)

(line h): (this was to prevent Merck from further sales claiming their 95% efficacy lie)

"Injunctive relief barring Defendant from making further misrepresentations regarding the efficacy of the Mumps Vaccine;"