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United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

March 13, 2008

Fred Hassan
Chairman of the Board and Chief Executive Officer
Global Headquarters
Schering-Plough Corporation World Headquarters
2000 Galloping Hill Road
Kenilworth, N.J. 07033-0530

Dear Mr. Hassan:

Yesterday, I chaired a hearing of the Senate Special Committee on Aging (Committee) entitled, "Under the Influence: Can We Provide Doctors an Alternative to Biased Drug Reviews?" The hearing examined policy that attempts to rectify the potential conflict of interest that exists when doctors' primary source of information about the drugs they prescribe is the drug manufacturer itself, in the form of their sales representatives.

As such, I read with great interest news reports which describe Schering-Plough's "49 Plan." To say the least, I am troubled by any attempt to persuade physicians to prescribe a drug for any reason other than the patient's condition and the drug's effectiveness in treating it. Unfortunately, it appears that your "49 Plan" may do exactly that. Published reports indicate that your sales representatives are instructed to do whatever is necessary, within forty-nine days, to convince physicians to prescribe Zetia, in the face of falling prescription rates for this particular drug.

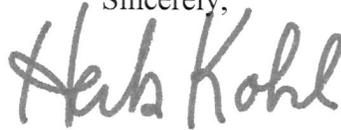
As part of the Committee's ongoing work on this important issue and in an effort to better understand "49 Plan," please provide the Committee with the following documentation and information:

- 1.) a written description of "49 Plan," including its stated goals and mission.
- 2.) a written description of the number of sales representative participating in "49 Plan" and the compensation package, including bonuses, they receive for participation.

- 3.) a written description of how "49 Plan" is in compliance with any and all industry guidelines, including those of PhRMA, with regards to ethics, conflicts of interest and provision of information to physicians.
- 4.) a written description of any internal oversight mechanisms in place to ensure that "49 Plan" and the sales representatives associated with it remain in compliance with any ethics guidelines in place.

Please respond fully to this request by close of business on Wednesday, March 26, 2008. Feel free to contact Jack Mitchell [REDACTED] or Cecil Swamidoss [REDACTED] with any questions you may have concerning this request.

Sincerely,

A handwritten signature in cursive script that reads "Herb Kohl". The signature is written in dark ink and is positioned above the printed name and title.

Herb Kohl
Chairman

ATTACHMENT

GENERAL INSTRUCTIONS

1. The terms “Schering-Plough” and “your company” mean its corporation, or one or more of its divisions, subsidiaries or affiliates, or related entities, including any other companies or corporations with which “Schering-Plough” entered into a partnership, joint venture or any other business agreement or arrangement.
2. In complying with this document request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. In addition, produce documents that you have a legal right to obtain, documents that you have a right to copy or have access to, and documents that you have placed in the temporary possession, custody, or control of any third party.
3. No documents, records, data or information requested by the Committee shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.
4. If the document request cannot be complied with in full, it shall be complied with to the extent possible, which shall include an explanation of why full compliance is not possible.
5. In complying with this document request, respond to each enumerated request by repeating the enumerated request and identifying the responsive document(s).
6. Each document produced shall be produced in a form that renders the document susceptible of copying.
7. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.
8. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, or control.
9. This request is continuing in nature. Any document, record, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.

GENERAL DEFINITIONS

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to the following: memoranda, reports, statistical or analytical reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (E-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disc, or videotape. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “records” is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.

3. The terms “relate,” “related,” “relating,” or “regarding” as to any given subject means anything that discusses, concerns, reflects, constitutes, contains, embodies, identifies, deals with, or is any manner whatsoever pertinent to that subject, including but not limited to documents concerning the preparation of other documents.

4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa to bring within the scope of this document request any information which might otherwise be construed to be outside its scope. The masculine includes the feminine and neuter genders to bring within the scope of this document request any information that might otherwise be construed to be outside its scope.

5. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, written, electronic, by document or otherwise, and whether face to face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise. Documents that typically reflect a “communication” include handwritten notes, telephone memoranda slips, daily appointment books and diaries, bills, checks, correspondence and memoranda, and includes all drafts of such documents.