

## **Monsanto accepts full responsibility for genetic contamination**

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### **Frankenfood Company compensates small farmer**

On 19 March 2008 Monsanto accepted their responsibility for the genetic contamination of Schmeiser's canola fields in an out of court settlement between Percy Schmeiser and Monsanto.



***Percy Schmeiser***

In an earlier trial the Canadian Supreme Court had recognized the legality of the patent protection to Monsanto's Transgene, but at the same time this court had transferred the question about the legality of a patent about life and forms of life to the Canadian Parliament for re-evaluation. In accordance with earlier legal norms the owner of a patent on a certain gene is also the owner of the respective harvest. This question is still pending and has to be re-assessed by the Canadian Parliament.

Since Schmeiser could prove that he had never used Monsanto's genetically modified seeds nor the total-herbicide Roundup Ready going with the Monsanto GM seeds, and that he had indeed no advantage from the pollution and contamination of his harvest, he was acquitted of Monsanto's compensation demands.

In 2005 Schmeiser again found Monsanto GM Rap plants on his fields. He informed Monsanto and demanded that the company remove the plants. Monsanto confirmed to Schmeiser that the plants were Roundup-Ready raps and therefore property of Monsanto. Referring to the existing judgement that the owner of a plant is also liable for plant contamination damages, Schmeiser had the plants removed professionally and forwarded the removal cost invoice to Monsanto.

In earlier attempts to achieve an out of court settlement, Monsanto had not consented to paying the removal cost amounting to \$660, so Schmeiser subsequently had sued the company. Monsanto would have paid for the contamination damage, but only under the condition that Schmeiser signed a "gag agreement", i.e. he would agree not to talk about the damage case, which would have deprived him and/or his wife of the right for the remainder of their lives to ever speak about the case

publicly or to ever again sue Monsanto for contaminating their harvest in future before any court. Schmeiser rejected. The demands raised by Monsanto were totally immoral. When the judge asked why Monsanto had not simply paid the very small sum of \$660, Monsanto's lawyer Richard W. Danyliuk responded that there was a lot more involved than just \$660.

One hour before the court hearing was scheduled on March 19, 2008 Monsanto accepted all demands of Percy Schmeiser as well as their responsibility for the contamination of Schmeiser's fields. Monsanto does not only pay for the damage but also accepts that Schmeiser reports and informs the public about the background and that he can express his opinion and position about this case in public. The acceptance of responsibility by Monsanto as the owner of the patented Transgene for the contamination of neighbouring fields opens the path for all farmers in the world to demand compensation from Monsanto.



***Frank Monsanto***

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