



ETC Group  
News Release  
Thursday, May 20, 2004  
[www.etcgroup.org](http://www.etcgroup.org)

**Canada's Supreme Court Rules  
on 'David & Goliath' Friday**

## **Tell Monsanto Where To Go!**

***Letter warnings for Monsanto: There are 5 million Percy Schmeisers.***

Bees, beetles and blowing prairie winds can carry Monsanto's genetically-modified canola a good 26 kilometers – and a whole lot farther if the transgenic seed or pollen hitches a ride on passing trucks, trains or tractors. After eight summers in Canada's West, GM canola has earned the dubious status of a major weed – a common sight in fields, boulevards and cemeteries – and even backyard gardens. "Canola can winter over for 8 years," says ETC Group's Pat Mooney in the NGO's Winnipeg headquarters, "meaning GM pollen has probably travelled a minimum of 200 km since Monsanto first commercialized its patented seed in 1996." Which is why, Mooney reasons, just about everyone on the prairies has a direct, personal interest in the May 21<sup>st</sup> Supreme Court decision. Gene Giant Monsanto has accused Saskatchewan farmers Percy and Louise Schmeiser of illegally growing the company's canola. "It's not just farmers," insists Mooney. "There are about 5 million Percy Schmeisers out here [roughly the population of Canada's three prairie provinces]. For all any of us know, we could have Monsanto's canola in our window boxes."

Canada's Supreme Court decision will set a global precedent that will be studied closely by farmers, jurists, and Gene Giants around the world. Although Canada doesn't allow patents on higher-order life forms such as plants and animals, Monsanto believes that its patent on transgenic material gives it a *de facto* patent on anything its genes get into. If the Court agrees, the right of farmers to save seed – a right that has been upheld for 12 thousand years – will be imperiled and the 1.4 billion people on this planet who depend on farm-saved seed for their food security will be still more food-insecure. And the burden of coping with GM contamination will be placed on the farmer rather than the corporate polluter. If the Court finds for Monsanto, however, it could still conclude that the Schmeisers did nothing to benefit from the GM seed that blew onto their property and agree that the corporation is not entitled to damages. This would not only be a great relief to the embattled family but it would also be a sharp setback for Monsanto. "With hundreds of other lawsuits pending, the company's lawyers will be hard-pressed to show that their GM seeds benefit anybody," Mooney suggests.

What to do? Monsanto claims that anyone who thinks they might have the company's GM canola without Monsanto's permission must notify the company in order not to

infringe Monsanto's patent. Solution: ETC Group and partner organizations around the world are asking concerned people to send Monsanto CEO, Hugh Grant, a letter advising him that Monsanto's seeds may be squatting on their property. "That puts the ball back in Monsanto's court," Hope Shand of ETC Group's North Carolina office adds. "It's up to Monsanto to contact the letter-writer and make amends." "But the form letter doesn't invite Monsanto to do what they did to the Schmeisers," Mooney stresses. "Monsanto's seeds are trespassing and the company may have to accept a 'Trespass Abuser Agreement' making Monsanto responsible for any damages."

The form letter will be posted on numerous websites around the world over the next few days. You can print out the letter and send it yourself or click on "submit" to send the letter by email to Monsanto. ETC Group will send all the letters to Monsanto by registered mail. Like ETC Group, Monsanto's Canadian headquarters are in Winnipeg – within easy pollen reach of one another. The form letter (and cartoons) can be seen at: <http://www.etcgroup.org/takeaction.asp>

For further information:

Pat Mooney, ETC Group (Canada) [etc@etcgroup.org](mailto:etc@etcgroup.org): 204-453-5259

Hope Shand, ETC Group (USA) [hope@etcgroup.org](mailto:hope@etcgroup.org): 919 960-5223

Silvia Ribeiro, ETC Group (Mexico) [siliva@etcgroup.org](mailto:siliva@etcgroup.org): 52 55 55 632 664

Jim Thomas, ETC Group (UK) [jim@etcgroup.org](mailto:jim@etcgroup.org): 44 (0)7752 106806 (cell)

**The Action Group on Erosion, Technology and Concentration, formerly RAFI, is an international civil society organization headquartered in Canada. The ETC group is dedicated to the advancement of cultural and ecological diversity and human rights. [www.etcgroup.org](http://www.etcgroup.org). The ETC group is also a member of the Community Biodiversity Development and Conservation Programme (CBDC). The CBDC is a collaborative experimental initiative involving civil society organizations and public research institutions in 14 countries. The CBDC is dedicated to the exploration of community-directed programmes to strengthen the conservation and enhancement of agricultural biodiversity. The CBDC website is [www.cbdcprogram.org](http://www.cbdcprogram.org).**