

Percy Schmeiser – Canada

Press release 19 March 2008

Percy Schmeiser receives compensation from Monsanto

Monsanto admits responsibility for genetically engineered contamination

In an out-of-court settlement between Percy Schmeiser and Monsanto, Monsanto has admitted its responsibility for the genetically engineered contamination of Schmeiser's canola (rapeseed) fields.

In an earlier legal dispute, the highest instance under Canadian law had accepted the legality of the patent protection on Monsanto's genetically modified organisms, and at the same time remitted the question of the legality of patenting life forms to the Canadian Parliament for re-evaluation. Based on the legal situation at the time, the holder of the patent to a specific gene is also the owner of the related harvest. Parliament has yet to tackle this issue.

As at the time Schmeiser could demonstrate that he did not use genetically engineered seed from Monsanto, or the total herbicide Roundup associated with this seed, and that he could not obtain any advantages from the contamination of his harvest, he was acquitted of claims for damages by Monsanto.

In 2005 Schmeiser again found Monsanto canola plants in his fields. He informed Monsanto and demanded that the corporation remove the plants. Monsanto confirmed in writing to Schmeiser that the plants were Roundup Ready canola and they were the property of Monsanto. With reference to the existing judgment that the owner of a plant must also be held liable for the damage caused by contamination, Schmeiser had the plants removed professionally and sent the bill to the corporation.

As Monsanto was not prepared to pay the bill for \$660 in an initial attempt at an out-of-court settlement, Schmeiser took the company to court. Monsanto was only prepared to pay the damages on the condition that Schmeiser signed a confidentiality agreement on the issue. This agreement would have taken away from him and his wife the right to talk about the case in public for the rest of their lives, or in future to take Monsanto to court for the contamination of their harvest. Schmeiser declined. The conditions placed by Monsanto were contrary to public policy.

When asked by the judge why a corporation like Monsanto did not simply pay a bill for \$660, the Monsanto lawyer Richard W. Danyliuk replied that the issue involved much more than \$660.

An hour before the court hearing scheduled for 19 March 2008, Monsanto accepted Percy Schmeiser's demands and admitted their responsibility for the contamination on Schmeiser's fields. Monsanto not only paid the damages, but also accepted that Schmeiser could report in public about the exact background to the case and express

his opinion. The admission on the part of Monsanto, as holder of the patent to genetically modified organisms, that is it also responsible for the contamination of neighboring fields now opens the way for affected farmers all over the world to issue claims for damages against Monsanto.

For more detailed information:

www.percy-schmeiser-on-tour.org

www.percyschmeiser.com

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