

PERCY SCHMEISER vs MONSANTO INC.

I am continually amazed but not surprised of the desperation that is exhibited by supporters of the bio-tech industry in their attempts to discredit me and misrepresent the facts of my case.

Monsanto representatives and certain academics who have received funding from Monsanto or conducted research on their behalf have published numerous articles, so-called fact sheets and web blogs where they present an argument where they selectively choose some facts and ignore others. They have often made statements with no basis or fact that I am lying or stole their seed. This is done to present themselves as a credible voice on bio-tech issues while at the same time they make an effort to undermine my credibility and position.

Most conveniently overlooked is the most important factor of my case. This action against me started with a statement of claim from Monsanto demanding \$15./acre for infringing, or using their patented Roundup Ready Canola without a license. What the Supreme Court of Canada ruled, and what we never hear from these so-called experts is that I did not have to pay Monsanto anything; their technology use fee, damages, my profits, penalties or their legal costs. As this was the basis of their case, how can Monsanto representatives say that I lost if the court ruled that I did not have to pay them?

As this was the initial action against me, this was the main area of appeal to Canada's Supreme Court. Their decision was unanimous as all nine Supreme Court Justices agreed and ruled in my favor. The Supreme Court also ruled 5-4 in Monsanto's favor in the two other areas of appeal (patent validity and infringement), however these were not the initial issues that Monsanto sued me for in the beginning and on the main issue I was successful.

Because of the extensive amount of money that Monsanto allocates to promoting their agenda, they immediately went to media outlets stating that they won the case; when in fact they lost. They also continue to misrepresent facts to suit their needs. Monsanto has representatives all over the world. It is difficult for one individual to counter these allegations and many times Monsanto knows that there will be no response to their innuendo and misrepresentation.

As an example, Monsanto and their allies continually repeat that "I stole their seed," yet in court they withdrew that allegations and admitted that after exhaustive interviews that they had no evidence such a statement was true. They also point to their in-house tests that showed 98% Roundup Ready contamination in my field, yet do not acknowledge that the samples that they said were mine came from pure seed that they secured from a seed dealer.

Morris Hoffman, who was an employee of the Monsanto seed dealer and cleaner, came forth after the trials and stated that the canola Monsanto said came from my fields, was actually seed stock that they had for sale. Monsanto expected me to back down and not challenge them in court; in fact they threatened me if I did so. When I did stand up to them, they found out that they did not have samples of my canola so they used pure seed and said it was collected from my fields. They repeatedly use this 98% figure yet they know that was not canola from my fields.

Conveniently, Monsanto disregards the only independent tests on my canola and only states the results of their tests; on their own seed. They never mention the tests that were done by Dr. Rene Van Acker Ph. D of the University of Manitoba, which showed a presence of Roundup Ready canola in my actual canola of 0-8% in most fields, and in one field (along the major highway) showing 60% contamination.

Additionally, never do Monsanto officials state that I did not in-crop spray my canola fields with Roundup. The only advantage to having Roundup Ready canola in the first place is that you can spray in-crop to kill weeds. Monsanto's technology may have been present in my fields to some extent, but if I didn't spray it, I didn't benefit from it. Canada's Supreme Court agreed and this was a deciding factor in their judgment in my favor.

There are numerous pieces of information that Monsanto representatives or supporters of the bio-tech industry have circulated about me in an effort to discredit me. They have vast resources to perpetuate their message, and the facts of my case are a threat to their agenda. Leaving crucial facts outside of their information diminishes their argument and public relations campaign against me.

The main issue of this case had always been Monsanto seeking \$15./acre for their technology use fee. The Supreme Court of Canada was clear and unanimous on this point and subsequently I was victorious on my appeal, despite all of Monsanto's unethical practices and statements.

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