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Monsanto "Seed Police" Scrutinize Farmers

by Stephen Leahy

BROOKLIN, Canada - Agribusiness giant Monsanto has sued more than 100 U.S. farmers, and its "seed police" have investigated thousands of others, for what the company terms illegal use of its patented genetically engineered seeds, and activists charge is "corporate extortion".

Monsanto prohibits farmers from saving seed from varieties that have been genetically engineered (GE) to kill bugs and resist ill-effects from the herbicide glyphosate (sold under the brand name Roundup).

Kem Ralph of Covington, Tennessee is believed to be the first farmer to have gone to jail for saving and replanting Monsanto's Roundup Ready soy seed in 1998. Ralph spent four months behind bars and must also pay the company 1.8 million dollars in penalties.

In total, U.S. courts have awarded Monsanto more than 15 million dollars, according to a new report by the Washington-based [Center for Food Safety](#) (CFS) called "Monsanto vs. U.S. Farmers".

"Monsanto's business plan for GE crops depends on suing farmers," said Joe Mendelson, legal director for CFS.

It is the first detailed study of how U.S. Farmers have been impacted by litigation arising from the use of GE crops.

In an interview with IPS, a company spokesperson said Monsanto was well within its rights to enforce patent laws. "Monsanto has never sued a farmer who unknowingly planted our seeds," said Chris Horner.

When asked how the company differentiates between intentional and unintentional use Horner said: "You can tell just by looking at field."

"It's not like we're actively going out to find farmers who illegally use our seed," he added. "But if it comes to our attention we'll look into it."

Horner confirmed that Monsanto provides a toll-free phone number for farmers to report suspected abuses by other growers.

While refusing to comment on the accuracy of the CFS report, Horner said it only looks at a very small group of its customer base. "We have more than 300,000 licenses with growers that use our products."

According to the report, court awards are just a fraction of the money the company has extracted from farmers. Hundreds of farmers are believed to have been coerced into secret settlements over the past eight years to avoid going to court.

Farmers generally lack the knowledge and the legal representation to defend themselves against Monsanto's allegations, Mendelson said at a press conference Thursday.

"Often, there's no proof offered but farmers give up without a fight," he said.

Very little is known about the terms of these settlements, but in one instance, a North Carolina farmer agreed to pay 1.5 million dollars, he said.

Monsanto has a budget of 10 million dollars and a staff of 75 devoted solely to investigating and prosecuting farmers, the report said.

The tactic has proved very successful. In 2004, nearly 85 percent of all soy and canola were GE varieties. Three-quarters of U.S. cotton and nearly half of corn is also GE.

Monsanto controls roughly 90 percent of GE soy, cotton and canola seed markets and has a large piece of the corn seed market.

The issue of GE crops and small farmers has featured prominently at the World Social Forum (WSF), an annual gathering of civil society groups from around the globe that has called for a moratorium on biotech agriculture.

Monsanto, in particular, has been singled out for "forcing GE crops on Brazil and the rest of the rest of the world", according to the environmental group Greenpeace.

This year's WSF takes place Jan. 26-31 in Porto Alegre, Brazil, and will present a new chance for anti-GE campaigners to compare notes on the successes, and setbacks, of the movement in the last year.

So why don't farmers just buy non-GE seed? North Dakota farmer Rodney Nelson says there is actually very little conventional seed left to buy anymore because seed dealers don't make nearly as much money from them.

Monsanto charges technology use fees ranging from 6.25 dollars per bag for soy to an average of 230 dollars for cotton -- more than three times the cost of conventional cotton seed. The company argues these fees are necessary to recoup its research investment.

The other problem is that some non-GE seed is now contaminated by Monsanto's patented genes, Nelson said.

Monsanto sued Nelson and his family in 1999 for patent infringement, charging they had saved Roundup Ready soybean seeds on their 8,000-acre farm. Two years of legal hell ensued, Nelson said. The matter ended with an out of court settlement that he is forbidden to talk about. "We won, but we feel forever tainted."

The report contains a number of similar individual stories that often end in bankruptcy for the farmer.

Even if a farmer decides to stop using Monsanto seeds, the GE plants self-seed and some will spring up of their own accord the following year. These unwanted "volunteers" can keep popping up for five or more years after a farmer stops using the patented seeds.

Under U.S. patent law, a farmer commits an offense even if they unknowingly plant Monsanto's seeds without purchasing them from the company. Other countries have similar laws.

In the well-known case of Canadian farmer Percy Schmeiser, pollen from a neighbor's GE canola fields and seeds that blew off trucks on their way to a processing plant ended up contaminating his fields with Monsanto's genetics.

The trial court ruled that no matter how the GE plants got there, Schmeiser had infringed on Monsanto's legal rights when he harvested and sold his crop. After a six-year legal battle, Canada's Supreme Court ruled that while Schmeiser had technically infringed on Monsanto's patent, he did not have to pay any penalties.

Schmeiser, who spoke at last year's World Social Forum in India, says it cost 400,000 dollars to defend himself.

"Monsanto should held legally responsible for the contamination," he said.

Another North Dakota farmer, Tom Wiley, explains the situation this way: "Farmers are being sued for having GMOs on their property that they did not buy, do not want, will not use and cannot sell."

"It's a corporation out of control," says Andrew Kimbrell, the executive director of CFS.

Unfortunately, he adds, there will be no help for farmers from the U.S. Department of Agriculture or the Food and Drug Administration as key positions are occupied by former Monsanto employees and the company has a powerful lobby in Washington.

To help farmers facing lawsuits or threats from Monsanto, the CFS has established a toll-free hotline to get guidance and referrals: 1-888-FARMHLP

Among other actions, the CFS supports local and state-wide moratoriums on planting GE crops, and laws to prevent farmers from being liable for patent infringement through biological pollution.

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