

Your ref:
Our ref:

Bilegal
Lawyers

26 May 2013

Mr Bob Alexander
General Counsel
Trade Practices and Litigation Unit
ACCC
GPO Box 3131
CANBERRA ACT 2601

Dear Mr Alexander

**COMPLAINT AGAINST MONSANTO AUSTRALIA LIMITED AND
MONSANTO INTERNATIONAL PTY LTD ABOUT USING THE TERM
'SUSTAINABLE AGRICULTURE' - MISLEADING, DECEPTIVE AND
FALSE CLAIM UNDER SECTIONS 18 AND 29 OF THE AUSTRALIAN
CONSUMER LAW**

As a concerned consumer and lawyer, I submitted an online complaint form to ACCC about two years ago to complain about Monsanto Australia Limited and Monsanto International Pty Ltd ("**Monsanto**") using the term "sustainable agriculture" to advertise their toxic and unsustainable products on their website - in breach of sections 18 and 29 of the Australian Consumer Law (misleading, deceptive and false claim).

ACCC's response was that one complaint was not enough for ACCC to investigate the matter.

I therefore started a petition some time ago. I would now like to submit this petition with signatures of concerned citizens who have the same complaint. Some of the signatories have made some comments as to why the type of agriculture Monsanto is engaging in is not sustainable.

This is a very serious matter. The impact Monsanto's actions have had on farmers and consumers is enormous. In the US and Canada, Monsanto have been using intimidating tactics on farmers for years by suing them for patent infringement - which is often without basis, but has led farmers having to defend themselves in courts for years rather than farm their fields (see the Canadian *Percy Schmeiser*

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case¹). I know that this may not be relevant in ACCC investigating this complaint, but it shows the ruthlessness and complete lack of consideration for anything, let alone the truth, except for Monsanto's bottom line - their profits.

I *enclose*:

- the original petition
- an extract of Monsanto's website advertising where they say that they are "promoting Sustainable Agriculture"
- a print-out of ACCC's info sheet "Your consumer rights: Environmental claims" of 8 March 2011 - that sets out the prerequisites for a person to be able to call something "sustainable".

I respectfully submit, as set out in the petition, that the type of agriculture Monsanto are promoting is not sustainable. In fact, it is the most extreme form of industrial type of agriculture that exists to date, making use of genetically engineered crops that actually contain the pesticide within the plant material.

There are other types of agriculture that are indeed sustainable, such Permaculture and Biodynamic Agriculture.

Monsanto's agriculture should be called "Biotech Agriculture", "Industrial Agriculture" or "Chemical Agriculture". Only then would their customers, mostly farmers and gardeners, get the right impression of what they are actually purchasing.

The consumers are not the only ones that are getting the wrong impression. More importantly, our Members of Parliament, in particular those who do not know what basic sustainable land management consists of, are being sold the wrong idea of what sustainable agriculture is - with disastrous results, such as the recent publication of the draft of the National Food Plan that does not appear take into account that large scale industrial agriculture no longer works, in particular not in a drought-affected country like Australia where the top soil is already very, very thin compared to other countries such as Indonesia.

The UN has acknowledged that large scale industrial agriculture (that is promoted by Monsanto) is not sustainable. In its 2011 Report "Save and Grow - A Policymaker's Guide to Sustainable Intensification of Smallholder Crop Production"², the US states that large scale industrial agriculture leads to:

- land degradation,
- salinization of irrigated areas,

¹ Watch Percy Schmeiser summarise his case here: <http://www.youtube.com/watch?v=7ii9ARL4EGg>. See first instance decision: *Monsanto v Schmeiser* 2001 FCT 256 (Federal Court): <http://decisions.fct-cf.gc.ca/en/2001/2001fct256/2001fct256.html>. See appeal decision: *Schmeiser v Monsanto* [2004] 1 SCR 902 (Supreme Court): <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/2147/index.do>.

² See http://www.fao.org/ag/save-and-grow/index_en.html)

- over-extraction of groundwater,
- buildup of pest resistance, and
- the erosion of biodiversity.

The Report further says that industrial farming also damages the wider environment through:

- deforestation,
- greenhouse gas emissions, and
- pollution of water bodies.

Could ACCC please take action and request Monsanto to refrain from using the word “sustainable” when it comes to the agricultural practices that they are promoting and the products that they are selling.

Thank you.

Yours sincerely

Bilegal

Beatrice Ludwig
Principal Solicitor