

Food, Inc.

Food, Inc. is a one-sided, biased film that the creators claim will “lift the veil on our nation's food industry, exposing the highly mechanized underbelly that's been hidden from the American consumer.” Unfortunately, Food, Inc. is counter-productive to the serious dialogue surrounding the critical topic of our nation's food supply.

Throughout this film, Food, Inc.:

- * Demonizes American farmers and the agriculture system responsible for feeding over 300 million people in the United States.

- * Presents an unrealistic view of how to feed a growing nation while ignoring the practical demands of the American consumer and the fundamental needs of consumers around the world.

- * Disregards the fact that multiple agriculture systems should – and do – coexist.

Any factual errors in *Food, Inc.* regarding other companies are best addressed by those organizations themselves. It is our responsibility to set the record straight on the film's portrayal of Monsanto.

Food, Inc. Fiction vs Fact

Food, Inc. Fiction

The film states/suggests that the ability to patent plants and living organisms came into being only in the 1980s.

Truth

Plants have long been subject to provisions of U.S. patent law, and [plants were patented long before the 1980s](#).

It is true there have been a number of court challenges relative to the patenting of plants since the 1980s. All have found patent protection provisions do indeed apply to plants.

The ability to secure some intellectual property protection with respect to plant-related inventions is common in most developed countries. Patents encourage and reward innovation. If plant breeders were not able to protect the plant varieties they develop from unauthorized reproduction, there would be less incentive for them to develop improved plant varieties.

Food, Inc. Fiction

[Farmer Troy Roush](#) appeared in *Food, Inc.* concerning his dealings with Monsanto relative to a legal case centered on patent infringement. In addition, he suggested that GMOs are not healthy and stated that patented plants have “torn apart rural communities”.

Truth

Unfortunately, Monsanto cannot speak on the case involving Troy Roush. Monsanto and the Roushes concluded their litigation in 2002 with a confidential settlement agreement. Both parties mutually agreed as part of the settlement that they would not disclose the terms of the settlement or discuss the litigation. [Learn more about Troy Roush](#).

Mr. Roush has made comments that fall outside of the scope of the lawsuit which we can address:

Mr. Roush said that the introduction of patented seeds have pitted farmer against farmer and torn apart rural communities. Patent infringement has been a contentious issue in some communities where it has occurred. We would suggest that it is not the patenting of seeds that has caused this, but the actions of those few who have chosen to ignore the law and their agreements to save seed illegally. Monsanto is frequently made aware of saved seed cases by other [farmers who contact our customer service line](#) with this information. They do so because they feel it is unfair that they are being put at a competitive disadvantage by their neighbors who do not follow the law and legal agreements as they do.

It is interesting to point out, that while Mr. Roush is a harsh and frequent critic of Monsanto and GM crops, he remains a customer of Monsanto having purchased a considerable amount of corn and soybean seed from us during 2008.

Food, Inc. Fiction

[Dave Runyon](#) levied several complaints regarding Monsanto's investigative and business practices.

Truth

Monsanto had reason to believe Mr. Runyon was illegally saving Roundup Ready soybeans. We approached Mr. Runyon with our concerns, and he indicated he used only conventional soybeans. As a result of our interactions, Monsanto determined Mr. Runyon was someone who did not want to do business with Monsanto, so we properly ended our business relationship with him by suspending his authorization to purchase our technology.

We would be happy to reconsider our business relationship with Mr. Runyon if he works with us to address our concerns about the prior circumstances.

Food, Inc. Fiction

[Maurice Parr](#), a seed cleaner against whom Monsanto took legal action, claimed he settled with Monsanto because he could not afford the legal costs of going up against the company.

Truth

Maurice Parr operates a seed cleaning business in Indiana. Mr. Parr had received many clear communications about the patent law around Monsanto's patented Roundup Ready® soybeans, and he knowingly disregarded this information. Mr. Parr confused farmers about the law regarding patents, which led to some of his customers breaking their contracts by saving seed as well. Mr. Parr did not "settle with Monsanto." Rather, Mr. Parr took his case to court, and the U.S. District Court in Lafayette, Indiana issued a permanent injunction against Mr. Parr prohibiting him from cleaning Roundup Ready soybeans.

The injunction also makes clear Mr. Parr can honor the patent by informing customers it is illegal to save Roundup Ready seed and requiring his customers certify their seed is not from a patented product and providing samples for testing. His business will be able to continue to clean conventional soybeans, wheat and other seed crops. Monsanto has agreed not to collect the damages awarded against Mr. Parr as long as Mr. Parr honors the terms of the court order.

[View the injunction issued by the U.S. District Court in Lafayette, Indiana](#)

Food, Inc. Fiction

A farmer gave an anonymous interview during the film in which he said he could not reveal his name or show his face due to a "gag order" that was part of the settlement. His face was shadowed and voice digitally augmented to protect him from repercussions of violating the alleged terms of settlement.

Truth

Monsanto will not discuss the specifics of seed patent infringement cases where a settlement agreement or court order so directs. It is NOT Monsanto's practice, however, to require or even request confidentiality except around how settlement payments are structured.

Confidentiality is a farmer concern. Formerly, we accommodated farmer requests for anonymity and agreed to confidentiality clauses. Due to the fact these accommodations have been portrayed as "gag orders" required by Monsanto, we no longer accommodate such requests except under exceptional circumstances.

Food, Inc. Fiction

The film states a Supreme Court decision involving [plant patents](#) was written by Supreme Court Justice Clarence Thomas, who once worked for Monsanto. The film suggests the decision was influenced by Thomas' previous employment with Monsanto.

Truth

The case in question was *Pioneer Hi-Bred International v. J.E.M Ag Supply* and involved a Monsanto competitor. Monsanto was not a party to that case.

Clarence Thomas worked for Monsanto for a few years but has not been employed by Monsanto since the 1970s, long before the company was involved in biotechnology or owned a seed business.

The Supreme Court's decision in *Pioneer v. J.E.M.* upheld the ruling of the appeals and lower court decisions that plants are indeed subject to patent protection under U.S. patent law. The Supreme Court agreed with both lower courts.

While Justice Thomas indeed wrote the majority opinion, this was a 6-2 decision. Justice Thomas was joined by Chief Justice Rehnquist, and Justices Scalia, Kennedy, Souter and Ginsberg – none of whom have or had any association with Monsanto. Justices Breyer and Stevens dissented, and Justice O'Connor did not participate in the decision.

In short, while one former Monsanto employee was involved in a Supreme Court case to which Monsanto was not a party, the decision in that case merely confirmed the substantial prior case law and U.S. Patent Office precedent to the effect that plants are subject to patent protection under U.S. law.

Food, Inc. Fiction

Farmers do not have options to purchase seed other than GMO seed from Monsanto.

Truth

Farmers have the option not to purchase biotech seed and also have the option not to purchase seed from Monsanto.

- One choice is to purchase organic seeds. Advocates for organic farming claim consumer demand for organics is on the rise, and there is some reliable data to

support that claim. The global market for organic food and beverages was worth \$22.75 billion in 2007, after more than doubling in five years, according to market research firm Euromonitor International. The United States accounted for about 45 percent of that total. (Source: "[How green is my wallet?](#)", Reuters, 01/28/2009). This apparent increase in demand could lead to even more growth in the organic seed market, and thereby even more choice for organic farmers.

- Farmers could also choose to purchase conventional, non-organic seed. Farmers can purchase seed from over 200 different seed companies, many of which sell both conventional and biotech seed. In addition, Monsanto will produce conventional seed for farmers who desire to order it from Monsanto.
- Finally, farmers who want the benefits of biotech seed, but want to purchase their seed from a company other than Monsanto, have that option as well. Biotech seed is available from more than 200 different seed companies. In addition, some of the biotech seed available in the marketplace contains traits developed by companies other than Monsanto – such as DuPont, Syngenta, Dow and others.

Food, Inc. Fiction

The film asserts in 1996, when Monsanto introduced Roundup Ready soybeans, the company controlled only 2% of the U.S. soybean market. Now, over 90% of soybeans in the U.S. contain Monsanto's patented gene.

Truth

Authorities approved the commercialization of biotechnology applied to soybean seeds in 1996, and many farmers waited to purchase the technology until they saw how it performed the first few years. Farmers are businesspeople who choose seeds that will provide them with the best yield and highest profit. The Roundup Ready soybean technology delivered excellent results and proved to be extremely popular with farmers. As a result, thousands of farmers decided it was in their best financial interest to make the switch from conventional soybean seeds to Roundup Ready soybean seeds.

As farmer demand for Roundup Ready soybeans increased, Monsanto made the technology available to more than 200 other seed companies – so farmers can access the technology from a multitude of other companies. In addition, and in light of the clear popularity of the technology with farmers, many of Monsanto's competitors have developed or are developing other biotech products for soybeans.

Food, Inc. Fiction

The film, *Food, Inc.*, suggests the food supply is dominated by corporate farms.

Truth

In fact, the 2007 edition of [USDA Structure and Finances of U.S. Farms: Family Farm Report](#), found that [98% of farms in the U.S. are family owned and operated.](#)

Videos

Farmers Speak on Seed Saving

<http://www.youtube.com/watch?v=osu2epRdUj8>

Farmers give their opinion on those that save patent protected seeds. Farmers that follow the law and honor contracts disapprove of those who do not.

Farmer Choice

http://www.youtube.com/watch?v=F7Ne_uqqscQ

Farmers from West Tennessee speak on having a choice in seed products. Farmers are businesspeople, and they have the option not to purchase biotech seed and also have the option not to purchase seed from Monsanto.

Family Farmers

<http://www.youtube.com/watch?v=Mn8qHLh3SX0>

Farmers give their thoughts on the family farmer. Individual farmers talk about their own family farms and what it means to have a family operated farm.

Additional Resources

Blog – <http://www.monsantoblog.com>

Food, Inc.: Did Monsanto decline to participate? - June 8, 2009

<http://blog.monsantoblog.com/2009/06/08/food-inc-monsanto-did-not-decline-to-participate/>

By [Darren](#)

Recently, I sat down to watch [Food Inc.](#), a film by director Robert Kenner and marketing firm Participant Media.

I was anxious to see the film because it included my company, Monsanto. But, I was also very interested because I took the initial call from one of the film's L.A.-based producers, Elise Pearlstein, asking my company to be a participant a number of months ago.

When I got the call, I asked a number of questions: "Who would be in it? Who would present the opposing view? Who was funding the film? Would the film present balance and fairness or present one side of the story?"

Over the course of a few weeks, Elise and I talked and e-mailed several times, but I never felt I had those key questions answered. Despite this, we invited Elise and a crew to a trade show to learn more about Monsanto, agriculture and talk with farmers. They opted not to come to the show.

By this time, as my dad would say, I had an inkling something wasn't right. Given the one-sided view I watched play out on the silver screen that night, I would say my intuition proved right. But, bottom line, **we didn't decline to participate**.

So knowing what I know now, let's ask the questions: Why not participate? Why not be a participant?

Dictionary.com defines the [verb participate as "to take or have a part or share in."](#) The popular Web site describes a participant as "a person or group that participates" and one interesting synonym as "actor."

I can tell you Monsanto is very interested in participating in thoughtful dialogue about food production and other topics related to agriculture. It's why we've spoken at Google's [Zeitgeist 2008, the Milken Institute Global Conference](#) and participated in [Davos](#) for years. It's also why you'll find us [blogging](#), [tweeting](#) and [sharing information](#) online as well.

We believe taking part and sharing in rich conversations about the important challenges facing agriculture, food production and our well being are inherently intertwined. Climate change, water use and drought, exploding global populations, rural development and poverty, all deserve our best ideas and our thoughtful participation.

What we're not interested in doing is being an actor, typecast in a film with pre-determined outcomes; outcomes that conveniently step around important issues facing agriculture today. Beverly Hills-based Participant Media describes [their mission](#) as one of telling "compelling, entertaining stories..." and "entertain[ing] audiences first..."

When it comes to the important topics facing agriculture, we're happy to participate, we just have no interest in being someone's participant.

About Monsanto Company

Monsanto Company is a leading global provider of technology-based solutions and agricultural products that improve farm productivity and food quality. Monsanto remains focused on enabling both small-holder and large-scale farmers to produce more from their land while conserving more of our world's natural resources such as water and energy. To learn more about our business and our commitments, please visit: <http://www.monsanto.com>. To learn more about Monsanto's involvement visit: <http://www.monsanto.com/foodinc>