

## Corn's price drop subject of suit

By **JODY LARIMER** reporter@leader-news.com | Posted: **Wednesday, February 4, 2015 8:30 am**

Farmers in Wharton County and nationwide are joining a GMO corn lawsuit claiming China's refusal to buy U.S. genetically-modified corn caused prices to fall.

Syngenta Ag, a Swiss-based agribusiness that markets seeds and agrochemicals globally, produced two genetically modified seeds, Agrisure Viptera and Agrisure Duracade, which were marketed in the U.S. beginning in 2010.

However, legal officials say Syngenta marketed the two GMO strains of corn before China approved them for import.

"Syngenta should have been more responsible in marketing," Gray Reed & McGraw Attorney William Chaney said. "They shouldn't have marketed the products until they had China's approval."

When Chinese officials detected the GMO strain, they stopped accepting shipments, causing the price of corn to plummet, Chaney added.

Over supply could be one of the factors causing prices to drop, but through consulting with experts and grain suppliers, "there is measurable and distinguishable loss attributable to China," Chaney said.

China has since approved Viptera, but not Duracade.

"I think that farmers all recognize that there was some damage to the market," Attorney Ronny Collins of Duckett Bouligny & Collins said, "(China's) rejection of corn shipments caused a panic in the markets, which resulted in prices to drop. The market value as a whole suffered a loss. Corn prices were not where they should have been in 2013 and 2014."

So far, there has been a good reception from local farmers wanting to learn more about it, he added.

"It's very similar to the GMO rice litigation a few years ago," Collins said.

In the rice case, several key export markets rejected shipments of rice that contained genetically-modified organisms. In this case, Chinese authorities rejected shipments of GMO corn.

Last week, the council for the litigation was appointed and includes several attorneys who participated in the rice litigation: Chaney, Don Downing of Gray, Ritter & Graham and Scott Powell of Hare Wynn Newell & Newton.

Although the rice litigation was “very successful,” this case is different, Chaney said.

“Corn is grown in almost every state in the country,” Chaney said, adding 2.1 million acres of rice are planted annually compared to 93 to 95 million acres of corn. “The scope of the corn litigation is so much more immense.”

Last year in Wharton County, 71,648 acres of corn were planted and 31,220 acres of rice. In 2013, corn represented 89,837 acres to 27,371 in rice.

Data on how much Viptera and/or Duracade were planted in Wharton County was not available. However, these actions are filed on behalf of farmers who did not plant Viptera, but who allegedly suffered losses due to the drop in prices, which fell due to Syngenta's premature release of the product on the market.

At this stage, it is too early to predict the outcome of the lawsuit, both attorneys said.

“We're in the early stages,” Chaney said. “Rice took five to six years to finish. We're very encouraged by the participation and the facts of the case.”

Currently, Syngenta faces over 360 lawsuits filed in courts across the country by corn farmers, grain handlers, exporters and others.

The company says, “the lawsuit is without merit and strongly upholds the right of growers to have access to approved new technologies that can increase both their productivity and their profitability.”

The Agrisure strain, it added, was approved for cultivation in the U.S. in 2010. “Syngenta commercialized the trait in full compliance with regulatory and legal requirements. Syngenta also obtained import approval from major corn importing countries. Syngenta has been fully transparent in commercializing the trait over the last four years. During this time Agrisure Viptera has demonstrated major benefits for growers, preventing significant yield and grain quality losses resulting from damage by a broad spectrum of lepidopteran pests.”

For more information, go to [www.syngentacornlitigation.com/Home](http://www.syngentacornlitigation.com/Home).