

Organic farmer loses case against GM neighbour

An Australian organic farmer has lost a landmark court case against a neighbour he accused of contaminating his crop with genetically-modified canola, *theaustralian.com.au* reported.

The decision was delivered in the Supreme Court of Western Australia recently.

Farmer Steve Marsh claimed he lost organic certification for more than half of his farm, Eagles Rest, after GM canola drifted onto his land from the property of Michael Baxter.

Four years ago, Marsh's oats, rye and sheep farm, outside Perth, was certified organic.

He alleged he lost that certification when GM seeds blew 1,5km

inside his property.

Marsh claimed damages from Baxter and a permanent injunction against his future swathings of genetically-modified canola on his land.

Justice Kenneth Martin was not satisfied that Baxter breached any (lesser) duty of reasonable care. Martin found that the certification body 'grossly overreacted' when it decided to withdraw certification. It was this decision that had cost Marsh about AUS\$85 000 (R840 000) in reduced income. Only some of Marsh's wheat was contaminated and that could have been removed, he said.

– Staff reporter

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