



University of Canterbury
Private Bag 4800
Christchurch
New Zealand

Telephone: +64-3-364 2730
Facsimile: +64-3-364 2083
Email: enquires@pams.canterbury.ac.nz
Website: www.nzige.canterbury.ac.nz

19 August 2003

The Hon. Margaret Wilson
Attorney-General
Parliament Building
Wellington

Dear Attorney-General Wilson

We write to discuss matters related to the recent discovery of genetically modified (GM) corn in New Zealand. The NZIGE is aware of the case of Percy Schmeiser in Canada. Is it your opinion that New Zealand farmers whose maize crops may now be carrying the Bt11 event as a result of probable cross-fertilization may be at risk of future legal prosecution by the US seed companies?

The parallels between the Canadian experience and our own appear compelling. The Crop and Food, Ltd. consultant's report to MAF indicated that cross-fertilization with New Zealand maize was possible. Moreover, the consultant indicated that the pollen from the modified plants may be disproportionately represented in offspring of New Zealand grown maize seed stock. Thus, we might anticipate that New Zealand stocks will become increasingly enriched for the proprietary Bt11 modification in future years.

Our understanding was that regardless of intent to procure the modified, herbicide resistant, canola contaminating his fields, Schmeiser was found guilty of infringement on intellectual property. With the Bt11 release in New Zealand, the same case could, perhaps more readily, be made because no additional effort would be required to benefit from innate insect resistance. We have reviewed the literature on Bt11. The developers could refer to evidence of approximately a 15% increase in yield in low corn borer years, and up to a 21% benefit in other years.

We would be interested in your assessment of both public and private liability on this issue.

Sincerely,

A handwritten signature in black ink that reads "Jack A. Heinemann".

Assoc. Prof. Jack Heinemann

Director