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Syngenta Loses Court Ruling Against Bunge Unit Over Modified Corn Lawsuit

By Sophia Pearson - Sep 27, 2011

[Syngenta AG \(SYNN\)](#), the world's largest maker of agricultural chemicals, lost its bid to temporarily force a unit of [Bunge Ltd. \(BG\)](#) to accept its bioengineered corn until a lawsuit over the issue is resolved.

Syngenta sued Bunge last month, claiming its decision not to accept the corn is unlawful. U.S. District Judge Mark W. Bennett in Sioux City, [Iowa](#), ruled yesterday that Syngenta has "no likelihood of success on the merits of its claims" and denied the company's request for a preliminary injunction.

"Bunge's decision to reject Viptera corn at all of its locations was a legitimate and reasonable business decision," Bennett said in a 69-page opinion. "The injunction would impose prodigious costs on Bunge for a situation that Bunge did not create."

At the heart of the dispute is corn grown from Syngenta's Agrisure Viptera bioengineered seeds. Bunge, which operates a network of grain elevators and receiving stations, posted a notice on its website and at several locations that it's "unable to accept" delivery of corn or soybeans produced by the Syngenta product and another product made by DuPont Co.

Combats Insects

Syngenta has argued that Viptera complies with all U.S. regulatory requirements. Viptera, which received U.S. regulatory approval last year, is genetically modified to combat damaging insects such as corn earworm and fall armyworm.

"This lawsuit is only part of Syngenta's determination to secure greater clarity for growers regarding industry marketing practices for newly approved technologies, enabling them to market their grain with confidence," Paul Minehart, a spokesman for Syngenta, said in an e-mailed statement today. "From this perspective, our determination is unchanged."

The technology has been approved for cultivation in [Canada](#), Argentina and [Brazil](#), and for import in Australia, Brazil, Canada, [Japan](#), Mexico, [New Zealand](#), the Philippines, South Korea and Taiwan,

Syngenta said in a statement last month.

“The court will not vary from the opinion denying the preliminary injunction and will ultimately confirm its ruling that Syngenta’s case is without merit,” Bunge said today in an e-mailed statement.

The case is Syngenta Seeds Inc. v. Bunge North America Inc., 11-04074, U.S. District Court, Northern District of Iowa, Western Division (Sioux City).

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