

Food Democracy Now!

[Redacted Text]

[Redacted Text]

[www.fooddemocracynow.org](http://www.fooddemocracynow.org)

917 968-7369

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington DC, 20250

Legal Policy Section  
Antitrust Division  
U.S. Department of Justice  
450 5<sup>th</sup> Street, NW Suite 11700  
Washington DC 20001

Electronically to [agriculturalworkshops@usdoj.gov](mailto:agriculturalworkshops@usdoj.gov).

December 31<sup>st</sup>, 2009

**In re: Agriculture and Antitrust Enforcement Issues in Our 21<sup>st</sup> Century Economy**

Dear Attorney General Holder and Secretary Vilsack,

On behalf of the non-profit sustainable agriculture organization Food Democracy Now! and CREDO Action, the grassroots political arm of CREDO Mobile, I would like to submit the following comments to the U.S. Department of Justice and U.S. Department of Agriculture on Agriculture and Antitrust Enforcement Issues in Our 21<sup>st</sup> Century Economy (74 Fed. Reg. 16543725-43726).

Attached are the signatures and comments of nearly 21,000 American citizens, family farmers and consumers who, in less than 24 hours, signed a petition calling for further investigation into the excessive concentration in the food and agriculture sectors. And while we are encouraged that the Department of Justice and U.S. Department of Agriculture have solicited public comments and agreed to hold joint workshops, we believe that a preponderance of evidence points to the fact that U.S. antitrust laws are currently being violated to the detriment of America's family farmers and 300 million consumers and immediate action must be taken to protect the fairness of our nation's economic markets.

Whenever power is concentrated in the hands of a few, abuses of power inevitably occur. For the past several decades, multinational food conglomerates have been allowed to merge until only a few giant multinational corporations control our food. These companies have used their excessive market concentration to: cheat farmers from

receiving fair prices; unfairly raise production costs; manipulate the price of food and run roughshod over our nation's environmental and labor laws.

Today only a handful of our companies control our food supply. Currently, one company (Monsanto) controls the seeds of 93 percent of soybeans and 80 percent of corn sold in the U.S., while four companies (Tyson, Cargill, Swift, and National Beef Packing Co.) control 83 percent of the beef packing industry and, similarly, four companies (Smithfield, Tyson, Swift and Cargill) control 66 percent of the pork packing industry.

As prevailing antitrust theory holds that whenever four companies control more than 40 percent of a given market the potential for clear market distortion strongly exists, it is obvious that nearly all segments of the food and agriculture sectors are in violation of U.S. antitrust law.

Such excessive concentration has allowed agribusiness corporations to exert undue pressure on family farmers attempting to negotiate contracts in purchasing and selling livestock and has unfairly placed the same farmers in precarious position in the marketplace in terms of buying seeds and inputs to plant their crops. These same market distortions are also present on the consumer end as the divide between the prices paid to farmers and the prices paid at the grocery store continue to widen to the detriment of both farmers and consumers in America.

We look forward to the 2010 Agricultural Concentration Workshops, which provide a remarkable opportunity for America's family farmers, citizens and consumers to regain a sense of fairness and balance in the marketplace in terms of how their food is grown, raised and sold in the U.S. It's time to return to a level playing field in rural America so our economies can grow and prosper in accordance with U.S. law, returning a sense of justice to the heart of our nation's economy

Sincerely,

Dave Murphy  
Director  
Food Democracy Now!

Becky Bond  
Political Director  
CREDO Action

Petition Language signed by over 21,000 Americans:

Dear Attorney General Holder and Secretary Vilsack,

I am greatly concerned about the lack of competition in the food and agriculture sectors of our economies and how this negatively impacts family farmers, consumers and all American as they work to feed their families food that is safe, healthy and nutritious.

For too long, agribusiness corporations have been allowed to consolidate until their market power influences unfair prices that farmers are paid for their goods, the prices they pay for inputs and the price that consumers pay at the grocery store. Unfair market concentration has also created an overly centralized food system that is prone to massive food safety outbreaks and has a blatant disregard for environmental and labor laws.

I encourage you to use your power to enforce U.S. antitrust laws and return a fair and level playing field in the food and agricultural sectors.

Sincerely,

Signed: 21,000 + American citizens