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**FARMERS WEEKLY**  
The Quadrant - Sutton  
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Open letter

14<sup>th</sup> June 2016

Dear Mr Clarke,

In Farmers Weekly issue of May 20<sup>th</sup> 2016 you signed an article referring to PSI's actions in the British plant protection products (PPP) market which include retaining the original trademark on the label, in English, as affixed to PPPs resulting from intra community trade.

The only entity you name is PSI UK suggesting that its '*branded parallel pesticides*', according to the title of the article, '*could cause confusion*'.

However you did not seek any explanation from PSI about these matters which, the article would like readers to believe, could be detrimental to the British PPP market. Instead you give the floor only to PSI's opponents.

Rob Gladwin, head of marketing for crop protection at BASF for the UK, Ireland, Nordic and Baltics, most probably agrees with Oscar Wilde's proposition that to be understood is to be found out, as he makes no imaginative effort at clarifying issues. Hence he insists "*Some growers, when they order BASF ADEXAR®, expect BASF ADEXAR®*" and therefore "*should check the product MAPP number matches the original*". The answer to that is simple, they can do that with the PSI products as both are original BASF products in their original containers with production dates and batch number as originally printed by BASF itself, fully compliant, fully traceable (by BASF) down to the user level thanks to numerous bar codes.

This is bad enough. But then, abruptly, and most inappropriately, since no transition is made from talking about PSI's actions, your article warns against "another<sup>1</sup> pitfall of parallel imports... counterfeit pesticides".

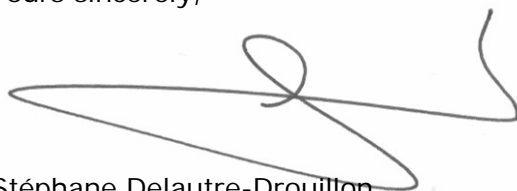
From an article purporting to be informative<sup>2</sup> of parallel trade practices, abruptly we have moved to something infinitely more controversial, insidiously scaremongering, and a traditional tactic against generics or parallel competition.

As a matter of fact, had you sought an explanation from PSI, you would have learned that our aim is precisely to reduce confusion by reducing the number of trade names for the same product. Our labels also clearly state that we act independently from the manufacturer. Where ever this practice could lead to some confusion we abstain. Hence in the case of BASF's CERIX®<sup>®</sup>, which in Poland is called ADEXAR® PLUS, we have renamed the imported product SMARAGDIN in order to avoid confusion with the British ADEXAR®.

The overall philosophy is one of least interference. Parallel traders, we believe, should interfere as little as possible with the original packaging including its physical integrity if nothing objectively justifies a complete repackaging. Every time it is possible we keep the trade name already present, both on the product in the Member State of origin and on the reference product in the United Kingdom, as well as, and this is of some significance, on the corresponding safety data sheet (SDS). Furthermore, in accordance with the community case law we send notification to the trade mark owner prior to marketing the relevant product. And of course such practice is not at all conducive to fraud.

You should have given us this opportunity before publishing. Now that you are more precisely informed of the issues at hand, we expect you to advise your readers accordingly in a future edition of Farmers Weekly. Please inform me when this will take place.

Yours sincerely,



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<sup>1</sup> Underlined by PSI.

<sup>2</sup> Note that, contrary to the information provided in the article, France does authorise the complete repackaging.