

# The Green referendum against pesticides

by Marion Peretti

Italians returning home from the market this summer, perhaps with a couple of pounds of apples in their shopping bag, are very likely to bump into a table where signatures are being collected. A sign hanging from the table shows a nice picture of a ripe apple next to a skull and crossbones. This is Greenies' terror campaign to spread the perception that the fruit that inspired the universal proverb, "An apple a day keeps the doctor away," is really laden with deadly toxins. The shopper glances worriedly at the apples he or she just bought and may even stop with a shudder at the table, where apple growers are luridly depicted as the wicked witch from Disney's "Snow White," set to peddle a vast assortment of "poisons" hidden in the produce to the unsuspecting consumer.

The petition campaign against the use of pesticides in agriculture is being carried out by the Italian Communist Party, the Federation of Green Slates, Proletarian Democracy, the Radical Party, Independent Left, Socialist Youth Movement, the Environment League, and the Consumers Federation in collaboration with the weekly *l'Espresso* and the leftist daily *Paese Sera*. This diabolical alliance, which wants to take us back to the days when people died of hunger and disease, has already collected 800,000 signatures; they needed 500,000 to hold a referendum which would abrogate the second part of Clause H of Art. 5 of the Law 283 of 1972 which says, "The Health Ministry, with its own ordinances, establishes the limits of tolerance and the minimum interval which must occur between the last treatment and delivery to the consumer for each product authorized for use for such purposes" (protection of plants and foods).

Through this referendum the Greens want to take the task of setting the limits of tolerance of pesticides in foods away from the General Directorate of Hygiene and Food of the Health Ministry and its scientific agency, the Higher Institute of Health. The Greens would like to have oversight of pesticides put into the hands of Parliament, without any scientific consultation involved.

## No such thing as zero residues

Presumably, the Greens' goal is to obtain foods with *zero* chemical residues, which is as useless as it is impossible, from the standpoint of present-day chemical analysis, but which serves as a pretext to relaunch "organic" agriculture without fertilizers, which will bring about the malthusian goals of the European Community bureaucracy and the major

international food cartel companies.

The present law sets the limits of pesticide residue in foodstuffs at one part per million or fraction of the same. Hence, one would have to eat a ton of apples to ingest one one-hundredth of a gram of pesticide. Moreover there are natural anti-parasite chemicals in the plants, of which we eat ten times as much as of the man-made pesticide residues. This is another reason why a total absence of residues in foodstuffs is impossible.

The view that chemicals are essential to farming is shared by Prof. Filippo Lalatta, professor of agrarian technology at the University of Milan, who telephoned the major daily paper of Milan, *Corriere della Sera*, in February to explain his standpoint: "In the year 2000 the world population will reach 7 billion souls, all desiring to eat. Today's agriculture cannot do without chemical inputs, nor can one renounce either the defense against parasites based on active, effective principles, or the use of herbicides to destroy undesirable plants." Professor Lalatta went on: "I have the impression that many politicians prefer to mollify the environmental groups, for demagogic reasons, rather than defend farming." He stresses, also, the danger of an unjustified discrimination between "natural" and "common" fruit, "creating a climate of distrust toward the latter which will soon lead to unfair competition."

Of course the organic farmers' stunted little apples, displayed at prices worth their weight in gold next to the much cheaper, plump, vitamin-rich apples obtained by means of traditional agriculture, would not attract the consumer—unless the "organic" growers lie.

Orazio Fogato, the director of the Farmers Union of Mantua in northern Italy, points out: "Farmers have done what was taught in the agrarian schools, by the extension services of the ministry, and by the technicians of public and private industries, at times in which it was a duty to keep producing more and more, and a law was passed which is still in force, to expropriate lands which were not being adequately tilled. . . . Today, only the farmers pay." He continues: "Does no one reflect on the fact that humanity in 1989 has a lifespan 22 years longer than it was . . . and has no tuberculosis, pellagra, typhus, malaria, and other scourges of past centuries? Does not one suspect that humanity is healthier . . . also, and above all, because we are better nourished?"

Pesticides are not just useful for producing plants without diseases, but also for preserving grain, an aspect reiterated by Stefano Wallner of the Agriculture Confederation of Italy (Confagricoltura). There is another problem, that of massive imports of foods from abroad, because Italian agricultural products grown without the use of pesticides, as they decrease in quantity, will increase in cost—up to five times as much. The most recent official Italian statistics prove that Italy has a considerable dependency on foreign sources in cereals production, to the tune of about 20% of soft wheat needs and 10% of hard wheat needs.

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them. These are the so-called formal crimes or crimes of mere behavior or threat. With another ruling of Jan. 23, 1980, the Supreme Penal Court had ruled that "it is not necessary, although specific damage is required, that for the crime to be consummated, the effect desired by the agent come true." For the effect to come true is, if anything, an aggravating factor.

With regard to the disturbance of the Public Order by means of spreading false, exaggerated, and tendentious reports, the Constitutional Court has expressed itself with respect to a presumed conflict with Article 21 of the Constitution, by denying that [a conflict] exists, with a ruling of Dec. 29, 1972 and later, with the ruling of Aug. 3, 1976 in which it is affirmed that Article 656 of the Penal Code is constitutional "insofar as the concept of Public Order excludes that the right to manifest one's own thought may justify, on the basis of political ideologies, the harming of a good, whose safeguarding comes under the discretionary power of the Legislator." An analogous principle of law was expressed by the Supreme Penal Court with its ruling of Jan. 15, 1975.

Insisting on the grounds of the hypothesized felony, we refer to what was stated by the Supreme Penal Court in its

ruling of April 9, 1974:

"The crime is concretized in Article 656 of the Penal Code even if the Public Order was not in fact disturbed, but false . . . or exaggerated and tendentious reports were spread, represented, that is, in such a way as to arouse impressions or reactions not corresponding to the reality of facts, by the malice or guilt of the agent."

The reports exposed in this brief fit into this category.

Also significant is the ruling of the Rome Tribunal of Feb. 5, 1973, in which it is stated that "there does not exist a right to lie, and the freedom of manifestation of thought finds a limit in the administrative Public Order"; of the Justice of Naples of April 21, 1971 by which "also widely known and discussed facts are apt to disturbing the Public Order"; of the Justice of Cagliari of April 1969 according to which "regarding the disturbance of the Public Order it is sufficient that false and tendentious reports become the cause of alarm, apprehension, agitation or distrust for a certain number of persons of average intelligence."

With respect to crimes against the Public Economy foreseen in particular by Articles 499 and 500 of the Penal Code, as there is no case law known on this, we appeal to principles of a general nature on the matter of Public Order, to which we have referred above in regard to the integration of crimes

## Apple producers sued Greens in civil case

In May 1989, the Concopra, Italy's Cooperative Consortium of Agricultural Producers, sued the Espresso Publishing Company, the Promotional Committee of the Referendum Against Pesticides, the Italian Communist Party, and the Italia Nostra environmentalist organization, for the improper and harmful use of anti-pesticide posters with the image of a poisoned apple. On June 2 in Rome, Judge Velardi heard arguments from the lawyers of the parties to the case and attorney Robert Zazza, representing Unapro, the National Union of Associations of Fruit and Vegetable Producers, which supported Concopra.

The ecologists' attorneys first tried to switch the discussion onto political-electoral subjects, which Judge Velardi overruled. Then Zazza presented the terms of the episode: "It must be noted that in the pages, the banner headlines, the editorials [of *l'Espresso*] not one specific on unequivocal fact regarding a single producer of *poisoned* apples is found; but not even a fact indicating significant percentages of adulteration of the apple product on the national scale. On the contrary, the apple is empha-

sized against the background of a discussion which is as terrorizing as it is generic.

"The use of chemicals in agriculture is hence licit within the legal limits; the product obtained in conformity with them is at least a legally healthy product; Unapro and Concopra's associates produce healthy apples; the apple is the symbol of their product. The apple/poison juxtaposition and, worse yet, the implicit and explicit charge of producing and selling poison apples, injures the interests and rights of Unapro and Concopra in an immediate, grave, and irreparable way."

Among the injured rights and interests he cited:

**Honor.** Businessmen operating within the law cannot be accused, with impunity, of poisoning people;

**Economic capabilities.** Through the devaluation of the product a contraction of demand is created, and higher warehousing costs and greater loss of product.

He also suggested that the Civil Code's prohibition of "unfair competition" may be violated, even though "proof that the resisters or some of them are acting in connection with competitive businessmen" is not available at present.

Attorney Zazza included among the evidentiary exhibits given to the judge a copy of the magazine *Fusione* of March 1989, published by the Schiller Institute in Italy, and a photocopy of an article in the newspaper *Avvenire* of Nov. 24, 1988, reviewing the Italian dossier produced by *EIR* on "The Ecologist Plot."—Antonio Gaspari

provided for in Articles 656, 657, 658, and 661 of the Penal Code. Such was also the explicit will of the Legislator expressed in the already cited Law No. 191 of May 18, 1978.

We have, however, traced a body of case law relevant to crimes conforming to those foreseen in Article 501 and 501b. In this case, too, the will of the Legislator is clear, which, differently from what is foreseen in Article 293 of the abrogated Code, has in the new code anticipated consummation of the crime to the phase of conduct—in the specific case, the spreading of instrumental reports apt to disrupt the availability of commodities and their market prices; considering the production of actual effects, by malice or guilt, as an aggravating circumstance.

### Agiotage

In regard to the configuration of the crime of “agiotage,” [speculating on the rise and fall of the public debt or public funds—ed.] the Supreme Penal Court in a ruling of July 9, 1980 stated that it “is identified in the safeguarding of the public interest . . . both that prices be formed by natural mechanism of economic forces, and by virtue of the control of the Public Administration.” Upsetting of prices owing to the abandonment of preventive chemical practices in agriculture, caused by reports that constitute, among other things, the hypothesis of the crime foreseen in Articles 656 CP and analogous ones, would be such as to have repercussions on the balance of payments, the national currency, the stock market, hence configuring broadly also the cases of Articles 501 and 501b of the Penal Code.

The law by which the spreading of reports constitutes the crime of agiotage was reaffirmed, implicitly and *a contrariis*, with the ruling of the Supreme Penal Court of Jan. 29, 1979, whose ruling reads:

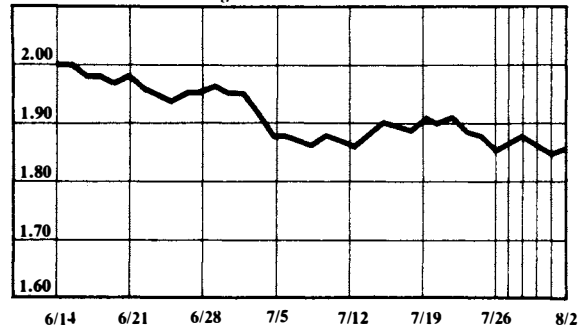
The grounds of the crime of agiotage foreseen by Art. 501 PC are not fulfilled by the mere communication of false reports to one or more certain persons, inasmuch as the law incriminates exclusively the conduct of publishing or spreading such reports.

All this is put forward by the present petitioners Fiorella Operto, president of the Schiller Institute Giorgio Prinzi, responsible editor of *Nuova Solidarietà*, and others, all convinced in full good faith that in the conduct denounced by them of the abovementioned Paolo Gentiloni, Silvia Zamboni, Tiziana Urbani, Paolo Galletti, Anna Donati, Sergio Ferraris, Vincenzo Caffarelli, Cristina Grandi, G. Conigliaro, Eugenio Cialfa, Aida Turrini, Giovanni Valentini, Carlo Carlucci, Lorenzo Soria, and Giuseppe Fadda the grounds are confirmed for the hypotheses of criminality above delineated—and that this is also in conformity with the opinions expressed by qualified Legal operatives—they appeal to Your Lordship such that in your capacity of Titular Officer for Penal Action you may in fact determine whether and to what degree the cited subjects indicated by us have incurred the penal culpability in point.

## Currency Rates

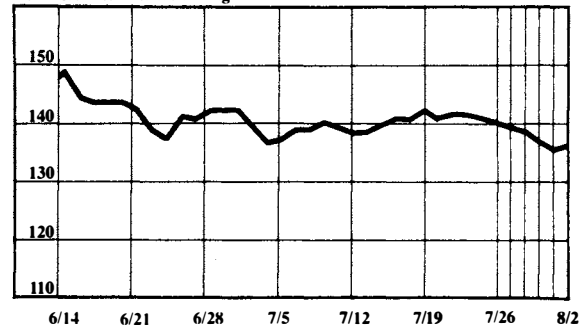
### The dollar in deutschmarks

New York late afternoon fixing



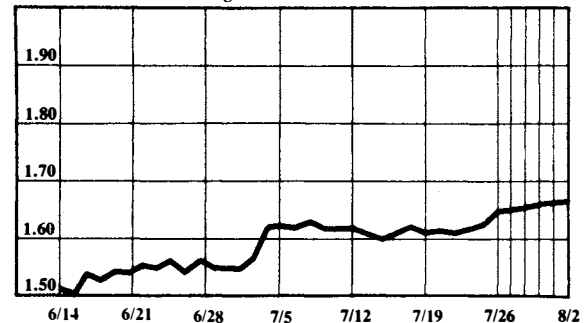
### The dollar in yen

New York late afternoon fixing



### The British pound in dollars

New York late afternoon fixing



### The dollar in Swiss francs

New York late afternoon fixing

