



Bussmann Cranberries

Cranberries at harvest time.

Family cranberry dispute results in \$2.5 million jury verdict

By MATEUSZ PERKOWSKI
Capital Press

A dispute among cousins over an Oregon cranberry farm has resulted in a \$2.5 million jury verdict against the brothers who manage the operation.

The legal dispute centers on the management of Bussmann Cranberries LLC, a family farm and processing operation in Curry County operated by brothers James and George Bussmann.

The brothers were sued by four of their cousins who own shares in the company but don't manage it: sisters Sara Strain, Elizabeth Potter, Jennifer Isenhart and Mary Kistner.

A representative of the defendants said there are still pending legal issues in the case and a final judgment hasn't yet been issued, so "it would be premature to give a statement at this time."

According to the complaint, James and George Bussmann own roughly 85 acres of cranberry bogs that are separate from the joint 34-acre family operation.

The complaint alleged that for a decade, those other farms sold fruit to the joint family company at inflated prices, which served "no apparent business purpose" other than to enrich the brothers.

The joint family "limited liability company," or LLC, has been mismanaged to help businesses owned by the defendant brothers, the plaintiffs said.

"Although the LLC has operated at a profit in the past, and is capable of operating at a profit, neither plaintiffs nor the other members have received any distributions over 15 years," they said. "Plaintiffs have realized no economic benefit from their membership in the LLC."

The brothers forced the family business to pay them "lump sum amounts," even though the joint company didn't receive "anything in exchange," the complaint said.

These "sham transactions" were con-

cealed with "false and misleading purchase orders and accounting records" by the brothers, who controlled the family company's books, the complaint said.

The lawsuit alleged the brothers commingled their own assets with those of the family company. The family assets have been "disproportionately used" to help the defendants' separate businesses, the complaint said.

The complaint claimed the brothers have failed to disclose real estate opportunities to the joint family company but nonetheless used its resources to purchase that property for their own businesses.

During the course of the legal dispute, the brothers took control of a property with water rights and then denied water to the joint family farm, the complaint said.

The complaint alleged the brothers sought to deprive the joint family company of its biggest customer by trying to convince it to buy cranberries from other sources.

The plaintiffs claim the brothers have acted with "malice" and last year sought to dissolve the joint family company to "force a sale" of its assets, intending for their own businesses to buy them at "liquidation prices."

After a seven-day trial held in Coos County Circuit Court last month, a jury decided that James and George Bussmann had breached contractual obligations and committed fraud against their cousins, unjustly enriching themselves.

The jury determined that the plaintiffs are owed more than \$700,000 in loans that weren't repaid, \$680,000 in overpayments for cranberries, \$470,000 in excessive expenses, and \$680,000 related to a real estate transaction.

An attorney for the plaintiffs said the defendants will also owe roughly \$1.3 million in interest that's accumulated since the damages occurred, known as pre-judgment interest.

Ranchers say 'lab grown'; startups say 'cultivated'

By DON JENKINS
Capital Press

Companies developing protein products from animal cells favor labeling their goods "cultivated," a description opposed by the National Cattlemen's Beef Association.

The Alliance for Meat, Poultry and Seafood Innovation argues that terms such as "cultivated hamburger" and "cultivated chicken nuggets" captures its members' methods.

The cattlemen's association says its research shows consumers will confuse "cultivated" with "raised on a ranch." It suggests "lab grown," a term the startup industry dismisses as derogatory and inaccurate once companies gear up to commercial production.

The USDA Food Safety and Inspection Service on Dec. 7 posted hundreds of comments on what to call meat or poultry made from "cultured animal cells," a term used as a placeholder.

USDA solicited the comments to prepare for proposing regulations to inform consumers once the products hit the market.

Upside Foods, founded in 2015 as Memphis Meats, says there are more than 70 companies in the world developing cultivated protein.

Animal-rights and environmental groups have aligned with the emerging industry, urging regulators to not discourage consumers from trying the new protein source.

Meanwhile, farmers are defending their turf. The American Farm Bureau commented that it was "imperative" that labels include "cell based" or "cell cultured."

The National Chicken Council and National Pork Producers Council also suggested some variation of "cell cultured" or "cell cultivated."

Neither the cattle-



Press Association File

A burger cultured from animal cells. The National Cattlemen's Beef Association says it should be labeled 'lab grown'. The emerging industry prefers 'cultivated.'

men's association nor the startup companies supported "cultured." The cattlemen said the word suggested something for refined tastes. Upside Foods said dairy products already used "cultured."

The two sides also opposed "synthetic." The word implied an enhanced product, according to the cattlemen. The alliance for innovation said the word suggested products from imitation animal cells, not real ones.

The sides agreed that "clean" was poor because it implied competitors' products were unclear.

Terms such as "fake meat," "artificial meat" or "faux meat" are decried by the startup industry as terms intended to turn off consumers.

The cattlemen's association said it supported "artificially grown" as an alternative, but said "lab grown" was an "unambiguous description of these products."

The cattlemen's association and the startup industry agree, based on separate consumer surveys, that "cultivated" is a fairly appetizing way to describe protein from animal cells.

The cattlemen's association

tried out six terms on consumers. While "cultivated" was the most appetizing, "cell-cultured meat" was the least appetizing, slightly less appealing than "in-vitro meat."

The cattlemen's association, however, says "cultivated" was the worst term at identifying where the meat was raised.

According to survey results sent to the USDA, 25% of the respondents thought "cultivated meat" was raised on a farm or ranch. Other terms were less confusing, though 13% thought "lab-grown meat" was raised on a farm or ranch.

The alliance for innovation counters that the new protein products will be made in facilities that do not resemble laboratories. The terms "lab-grown" or "lab-based" are "false, misleading and intended to be derogatory," according to the alliance.

The alliance also argued that "cultivated" best reflects how products are made. According to to alliance, "'Cultivated' is a term many companies use to refer to bioreactors where cellular agriculture takes place."

Ag groups worried about restrictions on H-2A workers

By CAROL RYAN DUMAS
Capital Press

Two recent White House proclamations restricting entry into the U.S. related to COVID-19 has agriculture groups worried the farm-worker shortage will deepen next year.

A Oct. 25 proclamation limits entry into the U.S. to those who are fully vaccinated with a CDC-approved vaccine. The exceptions to that are limited.

A Nov. 26 proclamation limits the travel of noncitizens from several countries, including South Africa, to the U.S.

The American Farm Bureau Federation and 60 other organizations voiced their concerns this week in a letter to Secretary of State Antony Blinken and Secretary of Homeland Security Alejandro Mayorkas.

They requested the agencies ensure an adequate agricultural workforce by exempting H-2A guestworkers from the restrictions.

"Instead of imposing travel bans that prevent critically needed H-2A workers from traveling to American farms or lead to added transportation costs that do not achieve COVID miti-

gation goals, farmers, H-2A workers, the Department of Homeland Security and the State Department should work together to allow workers taking appropriate health and safety precautions to travel to the United States directly from their home countries," the groups said in the letter.

The groups are particularly concerned about restrictions on workers from South Africa. U.S. agriculture employs almost 7,000 H-2A workers from the country. Many arrive in the U.S. in February, March and April.

"Considering this, the State Department and Department of Homeland Security must act quickly to ensure these valuable H-2A workers can arrive on time on American farms in the coming months," the groups said.

The request for an exemption from the restrictions is bolstered by the Cybersecurity and Infrastructure Security Agency designation of food and agricultural workers as essential during the pandemic, the letter said.

"While protecting our nation from new variants of COVID-19 is critically important, it is in our national interest to ensure production

of food, fuel and fiber," the groups said.

Considering the severe supply chain disruptions taking place, losing access to key employees who originate from the restricted countries would further limit agriculture's ability to grow safe and nutritious food, the letter said.

In addition, it is critical the U.S. embassies in these countries have the appropriate resources to process H-2A visas. If the process is not functioning properly, workers from restricted countries would likely travel to nonrestricted countries and quarantine for 14 days to gain entry into the U.S. — with U.S. employers responsible for the cost of travel, housing and per diem.

Additionally, the vaccination requirements would limit the availability of H-2A workers.

"With the safety measures put in place recently regarding testing within a day of travel, these workers can safely enter the United States and be vaccinated here with a CDC-approved vaccine, ensuring the agricultural workforce is protected and able to continue the essential tasks of ensuring the United States supply chain is functioning," the groups said.



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Our lineup of Ag events in the Northwest is growing! The inaugural Central Oregon Agricultural Show will be held March 26 & 27 at the Deschutes County Fairgrounds in Redmond, Oregon, with multiple large buildings for exhibitors and attendees to spread out. Classroom space is available to host and attend educational events.

The Central Oregon Ag Show will be a great place to spend the day with friends and family in a picturesque setting. The dates and location also coincide with the High Desert Stampede, a Pro Rodeo tour stop, scheduled for March 24 - 26, bringing additional foot traffic to the fairgrounds and evening entertainment!

We are looking for exhibitors and sponsors. *Please inquire for more details, call 503-506-8014 or email events@eomediagroup.com.*

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