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Food Standards Australia New Zealand
PO Box 7186
CANBERRA BC ACT 2610
AUSTRALIA

Dear Sir/Madam,

Re: Application to Food Standards Australia New Zealand for the inclusion of Soybean MON 87769 in Standard 1.5.2 – Food Derived from Gene Technology

Please find enclosed an application for Soybean MON 87769, requesting inclusion of this product in *Food Standard 1.5.2 – Food Derived from Gene Technology*.

Two hard copies of the application and supporting studies and one hard copy of the confidential attachment are provided along with an electronic copy of all non CCI and CCI information.

Information provided in the confidential attachments contain confidential DNA sequence information that is provided for FSANZ consideration only, and we request that these volumes remain confidential in accordance with s39 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act).

The DNA insert sequence information has been generated internally by Monsanto Company in order to facilitate regulatory approvals, and has been submitted confidentially to regulatory agencies where application has been made for approval of Soybean MON 87769. It has not been released publicly. It comprises the results of extensive research and intellectual property which are required for both the commercial viability and regulatory authorisation of the product; which if it became available to competitors of Monsanto, including those operating outside of Australia or New Zealand, would allow such competitors to develop, register and market products consisting of or derived from Soybean MON 87769 without the considerable investment of resourcing and time made by Monsanto in collecting or generating this information. Thus it can be attested that the complete DNA sequence information holds considerable value to Monsanto and the disclosure of this proprietary information could benefit



Monsanto's competitors gratuitously, potentially causing financial loss to Monsanto and its licensees.

In preparing the application, the format for applying to amend Australia New Zealand Food Standards Code – *Food produced using Gene Technology* (updated 9 December 2008) was followed and a checklist relevant to this application is included on *Page x* and *xi* of the application.

Should you have any questions concerning the information supplied, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Forster", with a long horizontal line extending to the right.

Amanda Forster
January 2010