

# NORFOLK

## HEALTHY PRODUCE

### Norfolk Plant Sciences Condemns Unauthorized Sale of Purple Tomato Seeds in Europe

Press Release  
August 27, 2024

Norfolk Plant Sciences has recently learned that an individual, identifying himself as Bruno Fournier, is making an unauthorized offering on his Facebook page of what he purports to be our bioengineered Purple Tomato seeds for sale in Europe, where the variety has not yet been registered or submitted for regulatory approval. We have not licensed our product for that use, and in fact state that our product may not be sold or used outside the United States, where it is allowed to be sold and used. We have contacted the seller to demand that he cease and desist from offering our product for sale, and we have also reported this unauthorized activity to the U.S. government and relevant authorities in the European Commission. In the meantime, we urge the European tomato-growing community to refrain from purchasing or growing these seeds.

Norfolk Plant Sciences (NPS), founded by academic scientists, has invested years of meticulous work in developing the Purple Tomato to ensure our variety meets all regulatory requirements for cultivation and consumption in the United States, but not yet in other countries. This year, NPS made our seeds available to gardeners through our US subsidiary, Norfolk Healthy Produce, with clear terms of use: the seeds must remain in the US, and no commercial rights are granted. Our practice in the US has been to allow not-for-profit community-sharing and personal-use breeding of our seeds by home gardeners, while focusing commercially on sale and distribution of seeds, seedlings, and fresh produce with local and regional commercial partners. It pains us that an individual has seen fit to take unfair advantage of our “sharealike” model (inspired by the combination of gardener traditions and trading Grateful Dead concert tapes among fans) by offering our products for sale, and doing so illegally outside of the US.

Unauthorized sale and cultivation of Purple Tomato seeds outside the United States not only violates NPS’s explicit terms and conditions of purchase, but also breaks laws covering plant variety registration, phytosanitary controls, and rules governing cultivation of bioengineered crops.

The unique property of our Purple Tomato is the deep pigmentation throughout the fruit. No other method has been developed that can achieve this enhanced anthocyanin pigment content and associated rich coloration. Any tomato, therefore, that has purple-pigmented flesh, and not just purple skin, is a Norfolk Purple Tomato. This inherent identity preservation means that it’s impossible to confuse any other tomato with those containing our bioengineered trait.

Norfolk Plant Sciences is actively engaged in achieving additional regulatory approvals in territories beyond the US to make our Purple Tomato more widely available. We understand that many gardeners in Europe share the passion to grow Purple Tomatoes; we love that you love them, and we aspire to eventual commercialization in the EU. Until then, we unambiguously and wholeheartedly condemn any unauthorized release of our Purple Tomato in the EU, or anywhere in the world, without necessary regulatory approvals.

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**About the Companies:** **Norfolk Plant Sciences, Ltd.** develops and markets innovative varieties of fruits and vegetables that deliver exceptional health benefits, taste, and differentiation to consumers and suppliers. Their initial product portfolio leverages plant-based bioengineering to produce tomatoes enriched with anthocyanins, antioxidants found in blueberries, blackberries and eggplants, and known for their numerous health benefits and their role in an anti-inflammatory diet. **Norfolk Healthy Produce** is the US-based arm producing and distributing products in the United States.