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DENVER, COLORADO 80204

Sugar Beet Seed Distributor to Appeal Decision

CHEYENNE Wyo. (AP) — The distributor of a Dutch-grown sugar beet seed is appealing a U.S. District Court decision dismissing his suit contending the Great Western Sugar Co. violated anti-trust laws and allegedly libeled and slandered his product.

U.S. District Judge Ewing T. Kerr of Cheyenne earlier this month issued a summary judgment in favor of Great Western. That decision is being appealed to the U.S. 10th Circuit Court of Appeals by Jack Ando, who holds a franchise to sell and distribute the seeds in the West.

Ando contended Great Western issued public releases urging growers not to use the seed without adequate research and asked for \$750,000 in damages. Kerr, however, held that the information included in the allegedly defamatory releases was obtained through extensive research.

He said a decision by the Joint Research Committee of Great Western telling farmers not to use the seed was not an illegal restraint of trade because of the need for substantial restrictions on the kinds and quality of seed used.