

Statement from Don Staniford, Global Coordinator of [GAAIA](#) (14 February) in response to:

Supreme Court of Canada / Cour suprême du Canada

JUDGMENTS IN LEAVE APPLICATIONS

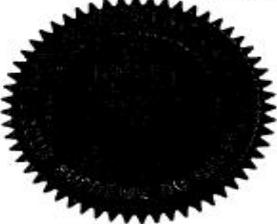
**February 13, 2014
For immediate release**

OTTAWA – The Supreme Court of Canada has today deposited with the Registrar judgment in the following applications for leave to appeal.

DISMISSED WITH COSTS / REJETÉES AVEC DÉPENS

Don Staniford et al. v. Mainstream Canada, a Division of EWOS Canada Ltd. (B.C.) (Civil) (By Leave) (35545)
Coram: Abella / Rothstein / Moldaver

Here's the Supreme Court of Canada official document dismissing the leave for appeal:

		
Supreme Court of Canada		Cour suprême du Canada
No. 35545		
February 13, 2014		Le 13 février 2014
Coram: Abella, Rothstein and Moldaver JJ.		Coram : Les juges Abella, Rothstein et Moldaver
BETWEEN:		ENTRE :
Don Staniford, and the said Don Staniford carrying on business as The Global Alliance Against Industrial Aquaculture		Don Staniford, et ledit Don Staniford faisant affaire sous le nom de The Global Alliance Against Industrial Aquaculture
Applicants		Demandeurs
- and -		- et -
Mainstream Canada, a division of EWOS Canada Ltd.		Mainstream Canada, une division d'EWOS Canada Ltd.
Respondent		Intimée
JUDGMENT		JUGEMENT
The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA040316, 2013 BCCA 341, dated July 22, 2013, is dismissed with costs.		La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA040316, 2013 BCCA 341, daté du 22 juillet 2013, est rejeté avec dépens.
		
	J.S.C.C. J.C.S.C.	

"Cermaq's SLAPP suit is a slap in the face of public dissent and freedom of speech. Shame on the Norwegian Government - as owner of the plaintiff, Mainstream Canada (now re-named Cermaq Canada) - for bankrolling such Draconian legal action. Norway may have a monopoly on salmon farming globally but Norwegian corporations surely cannot be allowed to own the law? That the Canadian legal system has given the Norwegian Government free reign to muzzle freedom of speech speaks volumes of how undemocratic Canada has become under the Harper Government. Freedom of speech and critical dissent is a basic democratic right.



If Cermaq's lawyers and the Kafkaesque Canadian courts want to silence me they will have to drag me kicking and screaming the truth from cyberspace. Thanks to everyone who has supported me financially in this legal battle. To support the ongoing campaign against Norwegian corporations spreading infectious diseases, draining the world's oceans of wild fish and killing free speech around the globe please [Go Fund Me](#) - I promise that not a single cent or kroner will go to fill the coffers of Cermaq, Mainstream Canada or EWOS Canada. The plaintiff's corporate name-changing smacks of a crooked shell game and begs the question: to whom do I write the cheque?"

For more background listen to a [CBC podcast from the Early Edition's show](#) (13 February):



February 13, 2014 - 'I feel as if someone's force-fed me farmed salmon'

Don Staniford used to say that eating farmed salmon was as dangerous as smoking. But then, the BC Court of Appeal told him to be quiet. Today the Supreme Court of Canada told him he won't have a chance to fight that ruling.

[Download February 13, 2014 - 'I feel as if someone's force-fed me farmed salmon'](#)

[mp3 [file](#) : runs 00:07:20]

Listen to the podcast [online here](#)

The '[Salmon Farming Kills](#)' lawsuit raises serious questions regarding freedom of speech, SLAPPs, corporate control of the law and the global nature of campaigning.

1) Who is the plaintiff in this case? To whom do I write the cheque?

The original plaintiff - 'Mainstream Canada, a division of EWOS Canada' arguably no longer exists and will cease to operate during 2014. In October 2013, the Norwegian Government-owned parent company of both Mainstream Canada and EWOS Canada (Cermaq) sold EWOS to Altor Fund III and Bain Capital.

The screenshot shows the Cermaq website header with the logo and tagline 'sustainable aquaculture'. The navigation menu includes Home, About Cermaq, Investor, Fish farming, Sustainability, Career, and Press. A search bar with 'Google Custom Search' and a 'Search' button is present. The breadcrumb trail reads 'Home > Press > News > closure sale of ewos'. The main content area features a news article titled 'Sale of EWOS completed'. The article text states: 'With reference to the [stock exchange](#) notification 23 July 2013, the sale of EWOS Group from Cermaq to Altor Fund III and Bain Capital has today been completed. The transaction was closed at the previously announced enterprise value of NOK 6.5 billion. Cermaq has today received a consideration from the buyers of NOK 6.2 billion. Final consideration is dependent on certain events to be settled in accordance with the Share Purchase Agreement (SPA) at a later stage. Cermaq reiterates its previous estimates of a gain to be reported of NOK 2.0-2.5 billion and an extraordinary dividend of NOK 4.5-5.0 billion (equivalent to NOK 48-54 per share) on the back of the transaction.'

In November 2013, Cermaq changed the name of Mainstream to Cermaq.

The screenshot shows the Cermaq website header with the logo and navigation menu including About us, Product, Sustainability, Aquaculture, and News. The main content area features a news article titled 'Mainstream changing name to Cermaq'. The article text states: '2013-11-18: Going forward, Cermaq will focus solely in fish farming and will be using Cermaq as the name for its fish farming operations, including Mainstream Canada.' A quote from Fernando Villarroel, managing director of Mainstream Canada, reads: 'We are excited about this change. We have always been proud to be part of the Cermaq group, which has an excellent reputation worldwide for transparency and sustainability,' says Fernando Villarroel, managing director of Mainstream Canada. 'Adopting the Cermaq name will unite us as a fish farming group.'



The Mainstream name will continue as a brand for now. The changes will be implemented in the near future.

Immediately following the ruling, Cermaq issued a [press release](#) including: "The order to pay damages and stop publishing defamatory materials about Cermaq Canada will stand."



The screenshot shows the Cermaq website's press release section. The header includes the Cermaq logo and navigation links for 'About us', 'Product', 'Sustainability', 'Aquaculture', 'News', and 'Ca'. The main heading is 'Press Release' with a sub-heading 'Court dismisses activist's appeal attempt'. The text of the release states: '2014-02-13: The Supreme Court of Canada has refused to hear the appeal of an activist found liable for defamation by the BC Court of Appeal. The order to pay damages and stop publishing defamatory materials about Cermaq Canada will stand'. Below the text is a photograph of a wooden gavel.

Er, hang on a second, has Cermaq forgotten the fact that the injunction refers specifically to Mainstream not Cermaq?!

Part 2:RELIEF SOUGHT

37. Mainstream claims:

- (a) a permanent injunction restraining Mr. Staniford, by himself, his agents, servants, in association with the GAAIA or otherwise, from further writing, printing, broadcasting, or causing to be written, printed, broadcast, or otherwise publishing of Mainstream, the Defamatory Words or words of like or similar effect;

The corporate name-changing smacks of a crooked shell game and begs the question: [to whom do I write the cheque?](#)

2) How can a legal judgment and permanent injunction in Canada be applied internationally and be enforced via social media, internet, Twitter etc?

The permanent injunction [granted by the Court of Appeal of British Columbia in July 2013](#) refers specifically to 'Mainstream' (not Cermaq, not EWOS, not Mainstream Canada and not any other salmon farming company) - here's the [text of the injunction](#) (as defined in the Plaintiff's 'Amended Notice of Civil Claim' in July 2011):

Part 2:RELIEF SOUGHT

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And here's the 'Defamatory Words' as defined in the '[Amended Notice of Civil Claim](#)' (July 2011) - 52 statements in total which neither specifically mention 'Mainstream' nor refer specifically to Canada (not to mention the fact that they are backed up by peer-reviewed science):

The Salmon Farming Kills Campaign

13. The Salmon Farming Kills Campaign was published by the Defendants on or about January 31, 2011, on the Website, and in particular, at <http://www.gaaia.org/salmon-farming-kills>, <http://www.gaaia.org/press-releases>, <http://www.gaaia.org/blog/gaaia-launches-new-salmon-farming-kills-campaign-seafood-summit>, <http://www.gaaia.org/photos>, and <http://www.gaaia.org/vision-mission>. The words published in the Salmon Farming Kills Campaign include:

- (a) "Salmon Farming Kills"
- (b) "Salmon Farming Kills Communities"
- (c) "Salmon Farming Spreads Disease"
- (d) "Salmon Farming Seriously Damages Health"
- (e) "Salmon Farming Kills Wild Baby Salmon"
- (f) "Warning: Salmon Farming Can Seriously Damage the Health of Wild Salmon"
- (g) "Salmon Farming – Harming Wildlife and Spreading Diseases"
- (h) "Salmon Farming Licenced to Kill"
- (i) "Salmon Farming Kills Birds"
- (j) "Salmon Farming Spreads Salmon AIDS (ISA)"
- (k) "Salmon Farms are Cancer"
- (l) "Salmon Farming Kills Around the World"

- (m) "Salmon Farming is Poison"
- (n) "Salmon Farming Kills Sea Floor Ecosystems"
- (o) "Salmon Farming Kills Workers"
- (p) "Salmon Farming Kills Around the World and Should Carry a Global Health Warning"
- (q) "Salmon Farming Seriously Damages Human Health, the Health of our Global Ocean, and the Health of Wild Fish"
- (r) "Salmon Farming is Spreading Like a Malignant Cancer on Our Coasts"
- (s) "Salmon Farms Harm"
- (t) "Salmon Pharming Kills Lobsters"
- (u) "Salmon Farming Kills Lobsters"
- (v) "Demonizing Salmon Pharmers"
- (w) "Such is the Stench Coming From the Tuna Farming Sector in the Mediterranean it may Even Rival the Can of Worms that is the BC Salmon Farming Industry"
- (x) "Do You Want the Salmon Farming Industry to Quit Killing Wild Fish and Polluting our Global Ocean?"
- (y) "Warning: Salmon Farming Can be Fatal to Wild Salmon"
- (z) "Salmon Farming – Harming Wildlife and Spreading Diseases"
- (aa) "Salmon Farming Killing Communities and Workers"
- (bb) "Salmon Farming is Toxic and Poison"
- (cc) "Salmon Farming is Toxic"
- (dd) "The Farming of... Salmon is Inherently Unsustainable, Socially Irresponsible and Ethically Bankrupt. Salmon... Farms are Polluting the Environment, Draining Precious Marine Resources and Spreading Infectious Diseases and Parasites Around the Globe. Industrial Aquaculture is Socially Destructive Contributing to Deaths of Workers on Farms, Degrading Traditional Food Resources and Ignoring the Rights of Indigenous Peoples" [References to shellfish, tuna, and shrimp deleted.]
- (ee) "With All the Chemicals in Safeway's Farmed Salmon You Might as Well Eat the Packaging"
- (ff) "Wild Salmon Don't do Drugs. Just Say No to Farmed Salmon"
- (gg) Certification of farmed salmon is a "Shameless Ponzi Scheme. Put Simply -- There is no Right Way to do the Wrong Thing"
- (hh) Fish Farmers are playing "the same game as the cigarette manufacturers did for many years"

The Silent Spring of the Sea Campaign

14. The Silent Spring of the Sea Campaign was published by the Defendants beginning on or about January 31, 2011 and continuing, on the Website, and in particular, at <http://www.gaaia.org/silent-spring-sea>. The words published in the Silent Spring of the Sea Campaign repeat some of those found in the Salmon Farming Kills Campaign. In addition, they include:
- (a) "Don Staniford Analyzes the Chemical Stew that Farmed Fish are Raised in and the Health Risk this Poses to Humans"
 - (b) "Salmon Farming Killing With Chemicals"
 - (c) "Salmon Farming Uses Artificial Colours"
 - (d) "Salmon Farming is Addicted to Drugs"
 - (e) "Salmon Farming Needs Rehab"
 - (f) "Farmed Salmon DYED for You"
 - (g) "Salmon Pharming: Friends Don't Let Friends Eat Pharm Salmon"

The Smoke on the Water, Cancer on the Coast Campaign

15. The Smoke on the Water, Cancer on the Coast Campaign was published by the Defendants on or about March 1, 2011, on the Website, and in particular, at <http://www.gaaia.org/smoke-water>. The words published in the Smoke on the Water, Cancer on the Coast Campaign repeat some of those found in the Salmon Farming Kills Campaign. In addition, they include:
- (a) "Smoke on the Water, Cancer on the Coast"
 - (b) "Smoke on the Water, Salmon Farming Kills"
 - (c) "Do you still not believe that the salmon farming industry is blowing smoke up your ass? Do you still fail to see through the smokescreen of Big Aquaculture? Then you need help navigating through the smoke and mirrors of the global salmon farming industry. Put a copy of "Smoke on the Water, Cancer on the Coast" in your pipe and smoke it."
 - (d) "Salmon Farming Kills Like Smoking"
 - (e) "Salmon Farming... If That's my Future I Might as Well Just Smoke Too"
 - (f) "Salmon Farming??? Better to Smoke 'em Than Eat 'em!!"
 - (g) "Salmon Farming is Like the Black Death Plague"
 - (h) "Risk of Cancer?"
 - (i) "Salmon Farming Leaves a Bad Taste in the Mouth"
 - (j) "Salmon Farming is Hard to Swallow"
 - (k) "Closed Containment: Low Tar Salmon Farming"

(collectively, the words set out in paragraphs 13, 14 and 15 are the "Defamatory Words").

The plaintiff ('Mainstream') does not even operate in Scotland where the defendant (Don Staniford) currently resides and works as the [Director of Protect Wild Scotland](#). How can a permanent injunction on statements which are honest opinions and can be back up by peer-reviewed scientific studies and facts ever be enforced?

3) How can the nation of Norway, a so-called bastion of free speech and celebrated champion of human rights, endorse such a Draconian ruling?

It is perversely ironic that the Nobel Peace Prize (which is decided by a committee comprising members of the Norwegian Government) was awarded in 2010 to Chinese dissident [Liu Xiaobo](#) yet a Norwegian Government-owned company (in the shape of Cermaq - the parent company and now new name of the plaintiff, Mainstream Canada) is abusing human rights and muzzling free speech in the Canadian courts (and beyond).



In retaliation for awarding the Nobel Peace Prize to a Chinese dissident, China banned imports of farmed salmon from Norway which lay "[rotting in Chinese warehouses](#)". In retaliation for the Norwegian Government's heavy-handed legal tactics, consumers all around the world are called upon to show solidarity by boycotting all salmon farmed by Norwegian-owned companies.



4) How can the Canadian courts and lawyers acting for the Norwegian Government-owned company Cermaq prevent the 'Defamatory Words' and defamatory cigarette packets - the subject of the lawsuit - from being published globally?

Remember that the [injunction](#) (as defined in the Plaintiff's 'Amended Notice of Civil Claim' in July 2011) restrains "Mr. Staniford, by himself, his agents, servants, in association with the GAAIA or otherwise":

Part 2:RELIEF SOUGHT

37. Mainstream claims:

- (a) a permanent injunction restraining Mr. Staniford, by himself, his agents, servants, in association with the GAAIA or otherwise, from further writing, printing, broadcasting, or causing to be written, printed, broadcast, or otherwise publishing of Mainstream, the Defamatory Words or words of like or similar effect;

The GAAIA [web-site](#) was taken down after the appeal judgment in July 2013 and effectively ceased to operate (until it was [re-booted immediately](#) after the dismissal).



Cermaq's attempts to seek a wider injunction at the final day of trial in February 2012 failed - here's the terms of the injunction sought by the plaintiff at trial (#4 effectively widens the injunction to anyone):

No. S1111908
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MAINSTREAM CANADA, A DIVISION OF EWOS CANADA
LTD

PLAINTIFF

AND:

DON STANIFORD and the said DON STANIFORD carrying on
business as THE GLOBAL ALLIANCE AGAINST
INDUSTRIAL AQUACULTURE

DEFENDANTS

ORDER AFTER TRIAL

BEFORE THE HONOURABLE MADAM JUSTICE
ADAIR

February 10, 2012

THIS ACTION coming on for trial at 800 Smithe Street, Vancouver, BC on January 16-20, 23-27, 30 and 31, February 1-3, and 6-10, 2012, and on hearing David Wotherspoon, Kevin O'Callaghan and Gavin Cameron, counsel for the Plaintiff, and David Sutherland, counsel for the Defendants;

THIS COURT ORDERS that:

1. Mr. Staniford by himself, his agents, servants or otherwise shall be restrained from publishing, or causing to be published, on the internet or by any other method or medium, any defamatory statement referring in any way to the plaintiff, its officers, directors, or employees, whether by name, pseudonym, address, photograph, or other means of identity.
2. Mr. Staniford shall be prohibited from publishing or causing to be published any such statement about the plaintiff anonymously, in his own name, in the name of any nick names, pseudonyms, aliases that he now uses, has used, or may use in the future, or in the name of another person.
3. Mr. Staniford shall forthwith make all reasonable efforts to remove from the internet the entirety of any and all of the internet postings that he has published or cause to be published that contain the words and images sued upon as set out in the Plaintiff's Amended Notice of Civil Claim (the "Defamatory Words").
4. No person or company with knowledge of the terms of this order shall publish or cause to be published the Defamatory Words.
5. Any person who has already published or cause to be published the Defamatory Words shall, upon receiving notice of this Order, forthwith make all reasonable efforts to remove from the internet and any other medium upon which they are published, the entirety of any and all of the Defamatory Words.
6. In any event that Mr. Staniford fails to remove the Defamatory Words from the internet within 10 days of today's date, then, in addition to any other remedy that may be available, any person or company who has notice of this order shall forthwith remove such postings from the part or parts of the internet within their control.
7. The Plaintiff shall have liberty to apply to expand or otherwise change the terms of this order on the ground that it has failed or is failing to achieve one or more of its purposes.
8. Reasons for Judgment in this matter will follow and may result in further orders in respect of damages and any other matters that the Court deems appropriate.

Read more via:

- [To Whom Do I Write the Cheque?](#)
- [Censored: A Permanent Injunction on The Truth](#)
- [SLAPP in the Face of Freedom of Speech!](#)
- [See You In Court! Tuesday \(28 May\) in the BC Court of Appeal!](#)
- [Censorship Like A Cancer Grows](#)
- [Norway Tightens Noose on Free Speech!](#)
- ["Cermaq - see you in court \(again\)!"](#)
- ["Cermaq Like A Cancer Grows - The Sound of Cermaq's SLAPP"](#)
- ["Norway's Injunction Kills Free Speech!"](#)
- ["Gagging the Truth Becomes Mainstream"](#)
- ["Closing Norway's Noose on Freedom of Speech"](#)
- ["Cermaq's Clusterfuck"](#)

Here's the Supreme Court of Canada ['case summary'](#):

Don Staniford, et al. v. Mainstream Canada, a Division of EWOS Canada Ltd.

(British Columbia) (Civil) (By Leave)

Keywords

Torts - Libel and slander, Defences.

Summary

Case summaries are prepared by the Office of the Registrar of the Supreme Court of Canada (Law Branch) for information purposes only.

Torts – Libel and slander – Defences – Fair comment – Applicant publishing comments about farm fisheries on [website](#) – Whether appeal court erred by setting the requirement that the facts upon which the comment is based be identified by a clear reference so that the audience can evaluate the comment itself – Whether it erred in requiring all the facts underpinning comment to be notorious or identified by clear reference and in failing to apply *British Chiropractic Association v. Singh*, [2010] EWCA Civ 350 as a limit to defamation claims in a scientific context – Whether appeal court erred in failing to take into account the context and form of the publications and nature and background of the audience – Whether it erred by failing to accord the Defendant the defence of fair comment.

Mainstream Canada ("Mainstream") brought an action against Mr. Staniford, for damages for defamation. Mainstream was the second largest producer of farmed salmon in British Columbia and a member of the British Columbia Salmon Farmers Association ("BCSFA"). Mr. Staniford was a longtime activist dedicated to the eradication of salmon farming and in October, 2010 he launched a [website](#) called Global Alliance Against Industrial Aquaculture ("GAAIA"). In January 2011, the BCSFA published a series of advertisements promoting farmed salmon. Mr. Staniford responded by distributing a press release that was also published on his website describing the launch of a global health campaign against farmed salmon. In a series of postings to the website, he compared farmed salmon to smoking and employed graphic imagery and wording to assert that farmed salmon caused cancer. The publications also compared companies such as Mainstream to cigarette manufacturers. A link to blog postings attacked the BCSFA advertisements as blatant lies and untruths. Mainstream alleged that the words were defamatory and capable of bearing the meaning that its business and products were unsafe for human consumption and that it was knowingly and misleadingly marketing a carcinogenic product.

Read the judgments online via:

- [2014-02-13 Supreme Court of Canada \(See file 35545\)](#)
- [2013-07-22 BC Court of Appeal](#)
- [2012-09-28 BC Supreme Court](#)