

Dear Mr. Jennings,

We are contacting you as the representatives for intellectual property matters of the company CHIQUITA BRANDS L.L.C.

In the course of its Intellectual Property rights monitoring, our client was unpleasantly surprised to notice the imitation of its logotype CHIQUITA on your blog. You are welcome to visit Chiquita website for more information about CHIQUITA protected logotype: <https://www.chiquita.com/>

Our client's logotype is reproduced in a post published on December 18, 2011 by you ("packard") untitled "Chemical Bananas sticker (download)". Here is the direct link to this article:

<http://deconstructables.org/deconstructable/chemical-bananas-sticker-download>

As you know, the logotype CHIQUITA is a trademark, protected worldwide. The logotype is also subject to copyright protection laws.

However, this post reproduces our client's logotype almost identically:

- oval shape of the logotype,
- same colors: blue / yellow / white,
- same place of the font, color and size of the verbal element,
- lady with one arm on the hip and the other one raised.

You only added slight changes, which do not reduce the risk of confusion, but have a huge negative impact on the image and reputation of our client's brand:

- replacement of the word CHIQUITA by CHEMICAL,
- cowboy headband on the mouth of Miss Chiquita,
- chemical products on its hand.

These reproductions are abusive and may constitute counterfeiting acts, engaging your responsibility, and the creator of the sticker ("elalande").

The reproduction of the original logotype is a copyright and trademark infringement.

In addition, such imitation is abusive, as it associates our client's work to false accusations. It damages our client's reputation and image. Such disparaging contents will also engage your responsibility.

Consequently, we ask you:

- (i) to withdraw immediately this article,
- (ii) to undertake to never reproduce/imitate CHIQUITA logotype and/or other

identification elements of the Chiquita Group, and to stop spreading the litigious stickers.

In return, our client would undertake not to request damages for this litigious publication, despite the fact that the article has been published since December 18, 2011.

Considering that the article is quite old, we assume that there will be no difficulties to withdraw it, and that you will be interested to rapidly find an amicable settlement in this matter.

We look forward to hearing from you and should you need any further information, feel free to come back to us.

Best regards,

Annick PAIRAULT

Dear Annick Pairault,

Thank you for your recent email and expressing your client's interest and concerns over the Chiquita Banana Chemical Stickers. This sticker was designed by a former student of mine while teaching a public art course at U.C. Santa Cruz back in 2011. I prompted the students to research any store products to discover poor business practices and then amplify these negative aspects through redesigned product packaging.

Why my student settled on this particular aspect of Chiquita's business practice, I'm not sure. I never really thought much about bananas until you drew my attention to it with this email. I read some articles on line and it seems she may have been motivated by her empathy for the workers who suffered from Chiquita's use of pesticides (I'm sure you know that bananas are 2nd only to cotton in the use of pesticides). An example I saw was Chiquita's use of Imazalil, which turns the hands the workers in packing companies white, the skin peeling off, giving them headaches, and is linked to long term diseases, like cancer. (I heard about this on Democracy Now: https://www.democracynow.org/1998/7/7/the_chiquita_banana_story) Maybe she was thinking of that, or possibly it was Chiquita/United Fruit using pesticides that they knew were banned in the U.S. for 6 or 7 years after the ban, sterilizing male workers and causing more serious health problems (cancer, etc.) Which I read about here: <http://harvardpolitics.com/world/the-creation-of-a-banana-empire-an-investigation-into-chiquita-brand/>

While I did this simple research for you to discover what she may have been thinking, I was overwhelmed by the many ways that Chiquita has hurt workers through pesticide use over the decades, so much so, that I can only throw a dart to guess what her specific motivation was. If only I was still in touch with her! Sorry about that.

Nevertheless, this does not address your client's unpleasant surprise over her design. It is disagreeable to Chiquita. I get it. Keep in mind that, while your client may not think it is the best design, it was done by a student, so let's not be too harsh. That said, perhaps we can come up with a better design together! In that spirit, I went ahead and looked further into Chiquita's business practices – I'm sure I don't have to tell you, it's bananas (ha ha - just kidding, of course). I came up with a few alternative designs based on Chiquita's methods, that might be more agreeable to your client...

Here is a design based on Chiquita paying "Colombian Terror Death Squads", like the United Self-Defense Groups of Colombia, as seen in many news sources, including the Washington Standard:

<http://thewashingtonstandard.com/lawsuit-reveals-chiquita-bananas-funding-terror-death-squads/>



Here is a design based on Chiquita's continued deforestation of jungle habitat and the numerous species of plants and animals which inhabit them before 1991 (There are better sources for the details, but I read about it here:

http://members.tripod.com/foro_emaus/BanPlantsCA.htm)



And lastly, here is a design based on one of the stories published originally by the Cincinnati Enquirer (The story was squashed by Chiquita, but I think we can agree that even though the source of the information was illegally stolen by a journalist from voicemails, that does not make the information untrue, it just gets the story squashed (I won't tell if you won't). This final design was hard to pick from the many issues discovered by the Enquirer, including Chiquita: suppressing union activity on the farms it controls, releasing harmful toxic chemicals into farms, killing at least one worker in Costa Rica according to a coroner's report, Chiquita executives bribing Colombian officials, and Chiquita calling in the Honduran military to evict residents of a farm village (the soldiers forced the farmers out at gunpoint, and the village was bulldozed). I read about this in a lot of places, but one recent article was here:

<https://nacla.org/blog/2013/7/4/revisiting-cincinnati-enquirer-vs-chiquita>.

Now any one of the above mentioned designs from the original Cincinnati Enquirer investigation would be a good choice, but I decided to go with Chiquita's fruit transport ships

being used to smuggle cocaine into Europe (more than a ton of cocaine was seized from 7 Chiquita ships in 1997). I thought it provided a playful and fun visual, I'm sure your client would agree. If not, and they want me to pick a different one to illustrate, please let me know!



I would love to hear your client's thoughts on these new interpretations of Chiquita's past and current business practices. I would love to know your favorite! What about it resonates with you? Feel free to be specific - I can take **constructive** criticism (unlike my roommate). In case you are someone who likes to see a physical copy (my roommate is this way, believe me! He's just not a part of the digital movement, even though the movement is going so strong!!) Anyway, In case you are that kind of person (no judgement), I put sheets of these new designs up on Destructables.org so you can download the sheets to see them in a physical form (on paper).

I'm glad we are doing this - I'm sure we can find a great direction as we move forward together on this important collaboration!

All the best,
Packard Jennings

ps - Funny thing, there is actually a Chiquita Banana font that anyone can download for free and make their own banana stickers. The internet is just bananas (I know I used that one already, but can you blame me?)