



5 LAWSUITS AGAINST TOBACCO COMPANIES

BRAZIL: OCCUPATIONAL SAFETY FAILURES

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In Brazil, at least three former tobacco farmers have taken legal action against major tobacco companies after developing severe health conditions linked to prolonged pesticide exposure. In 2002, Valdemar Santos pursued a case against Universal Leaf Tabacos, but after more than a decade of legal struggle, the case resulted in a settlement with the company. In 2015, Lídia Maria Bandacheski do Prado filed a lawsuit against Alliance One, which is currently awaiting a decision in the Superior Labor Court. Meanwhile, in 2019, Ivo Wolter initiated a case against Universal Leaf Tobacco, and the local Labor Court has already ruled in his favor, although the company is expected to appeal. This report examines these three experiences.

Currently, Ms. do Prado's case is the most advanced in the courts. She suffers from a degenerative disease known as organophosphate-induced delayed polyneuropathy and has lost the use of her legs, meaning she is dependent on a wheelchair. Shortly after her condition was confirmed as permanent, she decided to pursue legal action against the multinational corporation she had been contracted by for decades. If she wins the lawsuit against Alliance One, the case could establish a legal precedent for other farmers affected by similar conditions to seek compensation.

TOBACCO FARMING IN BRAZIL AND THE INTEGRATED TOBACCO PRODUCTION SYSTEM

Brazil, the world's third-largest tobacco producer and leading exporter, currently sources 95.7% of its leaf production from the three southern states. According to the 2017 Agricultural Census, 99% of Brazilian tobacco farms are operated by family farmers.¹

Tobacco production in the country follows the Integrated Tobacco Production System, where contracts bind farmers to companies. Companies dictate work activities, supply inputs such as pesticides and fertilizers, offer technical assistance, and classify tobacco leaves for payment. Farmers' obligations include selling the entire harvest to the company.²



The two leaf companies involved in the lawsuits highlighted in this report operate in Brazil following the Integrated Production System: Alliance One Brasil Exportadora de Tabacos Ltda is a subsidiary to Pyxus International – former Alliance one International –, and Universal Leaf Tabacos Ltda is a subsidiary to Universal Corporation.³

HEALTH IMPACTS OF TOBACCO FARMING

Tobacco farming is a physically demanding activity that requires continuous, undivided attention during the harvesting, drying, and storage of the leaves. Farmers are at risk of developing green tobacco sickness, a nicotine poisoning caused by skin contact with green tobacco leaves, as well as various health issues caused by prolonged exposure to pesticides.⁴

Pesticides can cause both acute and chronic toxic effects. Acute hazards vary with the pesticide and may include neurotoxicity and reduced blood clotting. Chronic exposure may affect various systems in the body, including the nervous, cardiovascular, and gastrointestinal systems.⁵

THE FIRST NOTABLE ATTEMPT TO HOLD THE INDUSTRY ACCOUNTABLE

Valdemar Santos, from the state of Paraná, initiated legal action in the Ordinary Courts against Universal Leaf Tabacos in 2002. Diagnosed with polyneuropathy, he had been chronically exposed to harmful agrochemicals provided and recommended by the company without adequate protection or risk guidance. Assisted by lawyer Vania Moreira dos Santos, he sought compensation for his medical expenses, lost income, and the lifelong impact of his illness.⁶

Over more than ten years, Mr. Santos' case progressed through the Brazilian Ordinary Courts and he won in both the trial court and appellate levels. However, in 2013, the Superior Court of Justice ruled that the case should be transferred to the Labor Court for further adjudication.⁷ Facing the possibility of another decade of legal proceedings, Mr. Santos decided to accept Universal Leaf Tabacos' settlement offer to end the lawsuit.⁸

„I felt very weak and I would actually become paralyzed in the field. I was harvesting tobacco and suddenly I would yell for my husband: Come help me because I can't move.“

Lidia do Prado,
former female tobacco farmer

LÍDIA DO PRADO VERSUS ALLIANCE ONE

PATH OF SUFFERING AND DIAGNOSIS

Born in Rio Azul, Paraná's top tobacco-producing municipality, 49-year-old Lídia do Prado began working in tobacco fields as a child with her family's employer, Vera Fumos, which later merged into Alliance One. After her marriage, she continued working for the same company under the Integrated Production System.

From a young age, she had symptoms of acute pesticide poisoning, such as nausea, headaches, diarrhea, and vomiting. In adulthood, she began experiencing hallucinations, weakness, tingling, and swollen lymph nodes. Paralysis episodes also became frequent. In 2007, after nearly three decades of pesticide exposure, Ms. do Prado collapsed while applying pesticides and was hospitalized. She was never able to work in tobacco fields again. Over the following years, she sought a diagnosis through public and private healthcare systems, a journey documented in the film *Diagnosis* by Beto Novaes.⁹

In 2010, she was finally diagnosed with chronic pesticide poisoning, followed by a polyneuropathy diagnosis in 2012. This is a degenerative disease characterized by muscle cramps, pain, numbness, tingling, weakness, and reduced reflexes in the lower limbs, with potential effects on the arms. In severe cases, it can lead to paralysis of the arms and legs, as Ms. do Prado experienced, losing the use of her lower limbs.¹⁰ In 2015 her condition was declared permanent.





COURT CASE DEVELOPMENT

Ms. do Prado then initiated legal action against Alliance One Brasil. Supported by Vania Moreira, the same lawyer who represented Valdemar Santos, she decided to file her case directly in the Labor Court after the Superior Court of Justice dismissed Mr. Santos' case.

Alliance One denied responsibility for Ms. do Prado's condition, arguing there was no employment relationship and claiming she was solely responsible for her illness due to unsafe handling of pesticides. Nevertheless, the trial courts ruled in Ms. do Prado's favor at both the initial level (in 2022) and appellate level (in 2023), confirming her polyneuropathy diagnosis and establishing a link between her condition and her work in tobacco fields. The courts also affirmed the employment relationship with Alliance One Brasil, which was ordered to provide ongoing financial support of 6,400 R\$ (equivalent to 1,150 USD in 2024) per month to cover essential treatment expenses, which is currently being paid.

The courts also ruled in favor of the moral damages compensation claimed by Ms. do Prado, amounting to 400,000 R\$ (equivalent to 71,244 USD in 2024). However, at the moment, the company is expected to appeal to the Superior Labor Court, where a final decision will be made. If the appeal is denied, the case could set a legal precedent for other farmers with similar conditions.¹¹

SETTING A LEGAL STANDARD

Since discovering that her health issues were related to her work in the tobacco fields, Ms. do Prado has given interviews and participated in events to share her story and raise awareness among other tobacco growers about the health risks associated with this activity. She and her lawyer hope that the case will encourage others who developed health conditions from tobacco farming to seek accountability for their illnesses.

This might be already happening. Ivo Wolter, a former tobacco farmer from the state of Rio Grande do Sul, initiated legal actions against Universal Leaf Tabacos in 2019 in the Labor Court. At the age of 50, he had recently been diagnosed with polyneuropathy.

In 2021, the local Labor Court ruled in favor of Ivo Wolter, ordering Universal to pay compensation for material and moral damages in the amount of 191,309.55 R\$ (equivalent to 34,274 USD in 2024). Currently, the victory is at the trial court level, and the company is expected to appeal.¹²

More than two decades after the first legal action was initiated against a tobacco company in Brazil, tobacco farmers may finally be close to obtaining compensation. If Ms. Lídia do Prado prevails in the Superior Labor Court, it will mark a historic decision, establishing a legal benchmark for Mr. Wolter and other affected farmers to pursue reparation from the industry.

„I did everything just as the company instructed me to do and am paying with my own life for it. So, there comes a time when someone has to be held responsible for this.“

Lídia do Prado,
former female tobacco farmer

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