

Bananas!* -- Film Review

By Kirk Honeycutt, June 22, 2009 05:19 ET



Bottom Line: A doc of social and political advocacy tainted by fresh evidence about an attorney's misconduct will need new and reworked material.

Screening at the Los Angeles Film Festival amid a welter of controversy and the threat of a lawsuit, Fredrik Gertten's "Bananas!*" offers something of a reality check on the whole nature of documentary filmmaking. To watch a film when you know serious questions have been raised about its credibility and that a Superior Court judge has ruled that the witnesses you see in it lied under oath reminds you that the veracity of what transpires in any doc comes with no guarantee of complete truth.

This film in its current form is too compromised for any kind of theatrical and TV distribution. Lawyers for Dole Food Corp. are even threatening to sue LAFF and the filmmaker for screening the film at all. Audience members and fellow filmmakers at a panel discussion that followed Saturday's screening did urge Gertten to go back into production and add a second act would introduce more complexity and richness into a story about globalization and economic colonialism.

Some background: "Bananas!*" focuses on the Tellez v. Dole Food trial that took place in Los Angeles. A handful of Nicaraguan field workers sued Dole for alleged harmful effects to them from the pesticide DBCP used in farming bananas. The product has been banned in the U.S. for years. While there is some evidence the chemical can cause many health problems and even death, the clearest case can be made for sterility in men.

Juan Dominguez, an L.A. personal-injury attorney whose face adorns hundreds of billboard ads in the Southland, teamed up with Sacramento attorney Duane Miller to register workers with claims against Dole. More than 10,000 clients were registered in Nicaragua.

The Tellez trial ended in a split jury verdict. After the film was completed and accepted into the festival, the court discovered fraud on the part of the plaintiffs and the same lawyers in a

subsequent case. On June 17, Judge Victoria Chaney dismissed the second case and stated that this fraud affected the Tellez trial as well.

In other words, you can't trust everything you see and hear in "Bananas!*" Then again, when could you ever trust everything in a doc? "Nanook of the North," back in 1922, about an Inuit and his family, is one of the most famous docs of all time, but its director, Robert Flaherty, was known to have staged all the action, even letting a different woman portray Nanook's wife.

Gertten's film makes no pretense at journalistic impartiality: He is on the plaintiffs' side right from the beginning. At the screening he admitted he never even contacted Dole to hear the corporation's side of the story. It's a film of advocacy.

Seeing his story as David vs. Goliath, he chose Dominguez as his David. A flamboyant Cuban immigrant who drives a Ferrari, smokes big stogies and struts through Nicaragua like a rock star, Dominguez does seem like a colorful character to bring a dry trial to life.

Yet even the most casual viewer can't help but notice what Gertten apparently did not: Dominguez is an ambulance chaser in a high-rise who even on camera engages in dubious legal practices. Of course, Gertten had no knowledge of the alleged falsification of documents and coaching of witnesses to lie. To his credit, he does show trial scenes of the plaintiffs floundering on the witness stand under questions by Dole's lead attorney.

The hard facts of the Tellez case are that Dole admitted it kept using a pesticide in Central America that had been banned in the U.S. and even demanded in 1977 that Dow Chemical keep delivering it despite the health warnings.

Dominguez's alleged unlawful behavior now permits Dow attorneys to change the subject. It allows Dole to go after a film that two months ago might have taken its deserved place among the current crop of ecological docs that explore the health risks to which global corporations expose people seemingly without any concern other than getting caught.

Docs are made with no fact-checkers. Indeed critics and journalists have raised issues of fact regarding several of Michael Moore's films. The current practice in docs is to deliberately smudge line between fact and fiction. And many docs like those by Errol Morris come with fabricated scenes, though in those instances the filmmaker lets an audience in on such stagings.

The point is that audiences must subject all films including docs to a smell test. You can buy many of the arguments the farm workers' attorneys put forth in court without buying them all and without seeing the attorneys as heroes rather than opportunists.

The final chapter of "Bananas!*" is still to come. And, by the way, 5,000 complaints have been filed in L.A. by Nicaraguan farm workers against Dole.

Venue: Los Angeles Film Festival

Production: WG Film/Magic Hour Films

Director/executive producer: Fredrik Gertten

Screenwriters: Fredrik Gertten, Jesper Osmund

Producer: Margaete Jangard

Co-producers: Bart Simpson, Lise Lense-Moller

Directors of photography: Frank Pineda, Joe Aguirre

Music: Nathan Larson

Editors: Jesper Osmund, Olivier Bugge Coute

Sales: Autlook Filmsales, Vienna

No rating, 87 minutes