

Bananas!*

Director Fredrik Gertten's much-discussed film "Bananas!*" is a classic documentary about how the multinational fruit company Dole deals with a lawsuit it has been drawn into by a handful of workers. The plaintiffs accuse the company of having used the banned pesticide DBCP on their banana plantations, resulting in many banana workers becoming sterile. It's the big, bad company against the little individual. The documentary asks questions about the responsibilities of big business. About profit versus ethics and human rights.

Recommended for upper-secondary school

A FILM GUIDE BY ANDREAS HOFFSTEN

Plot

The film starts with a funeral. The deceased is Byron Romero's father, who was worked on banana plantations his entire life. The priest in the tiny town of Chimandeya in Nicaragua eulogizes: "Big companies only want to maximize their profits, with no consideration of human dignity. They spread out tons of toxic pesticides on the banana plantations. It gives people jobs, but it also leads them to a slow death."

Next, we meet the second main character of the film, alongside the banana workers' union: Juan Dominguez, a Spanish-speaking lawyer born in Cuba. He has a swank Los Angeles office adorned with busts of Roman emperors and offering a fantastic view of the city. He drives an expensive Ferrari and smokes giant Havana cigars. But his credo is "I've never liked when big guys pick on those smaller and weaker. That's why I decided early on to become a lawyer." He takes on cases in which poor, uneducated people have been hurt by or got a raw deal from a big company. People who otherwise would not be able to afford a lawyer. He works pro bono, only charging if he wins the case and damages are awarded. As he says, it's David and Goliath.

For five years, he and his staff collect testimony from banana workers who are sterile because they've come into contact with the toxic pesticide dibromochloropropane (DBCP). The manufacturer of the pesticide, Dow Chemical, withdrew the product from the market in the late 1970s after it was shown to have harmful side effects on the liver, kidneys, lungs and reproductive organs. The lawsuit, in which 12 banana workers represent tens of thousands of others, is about why Dole continued to use the toxin even though they were aware of its harmful effects and despite having signed an agreement in which Dow Chemical disclaims all liability for possible future third-party litigation.

Juan Dominguez goes to Nicaragua and talks to a large group of banana workers and their families, telling them that this is unjustifiable, insatiable capitalism with no consideration whatsoever of its possible effects, and solely profit-motivated. Dominguez works with a prosecutor, Duane Miller, who pursues the case in the courtroom. He asks one of Dole's top executives, David Delorenco, to what degree Dole was aware of how dangerous DBCP was. Delorenco admits that Dole was aware of the risks, and that the company signed the letter from Dow, accepting all liability for its use.

This is followed by many testimonies in which Miller and Dole's attorney Rick McKnight question the 12 former banana workers – about their lives, about how they came into contact with the toxin, about their infertility and about whether Dole ever warned them about the effects of the pesticide. Some of the workers weep on the witness stand when confronted with personal questions. McKnight grills them mercilessly, pointing out inconsistencies in their testimony.

In his closing remarks, the defense attorney points out the inconsistencies and states that it cannot be proved that their sterility was caused by DBCP, that they may well have been sterile before exposure. The plaintiffs' side emphasizes the fact that Dole signed the letter from Dow – how could they think there were no risks associated with the use of this pesticide?

Then comes the verdict.

Six workers are denied damages; the court believes they were untruthful. Six workers are awarded USD 3.2 million in damages. The verdict is based on the jury's statement that Dole acted with malice and lack of respect. Dole's lawyer says that this is a setback for the plaintiffs, considering all the effort and costs they put into their case. "They will have difficulty pushing this any further after their substantial expenses." From his perspective, Juan Dominguez thinks this is just the beginning: "We will continue pursuing these small cases; we will swing our machetes and make Dole bleed," he says rhetorically. "This will go into the history books that law students will read in the future."

David and Goliath

The plaintiffs in the film, impoverished banana workers from western Nicaragua, would never have a chance to get their voices heard, much less any kind of justice, if they were forced to use their own means to sue the corporate giant Dole/Standard Fruit for damages. This is how top lawyer Juan José Dominguez motivates his dedication in representing them.

The myth of David's defeat of the giant Goliath some time in the second century BC is a well loved story. Everyone loves an underdog, when small and weak triumphs over big and powerful.

Modern civilization ought to be characterized by society guaranteeing justice on equal terms for all of its citizens. Yet this is not always been the case; 19th-century Swedish poet Verner von Heidenstam once wrote: "It is a disgrace, it is a stain on the flag of Sweden, that civil rights go under the moniker of money."

- Better rich and healthy than poor and sick, is an ironic slogan in the strange times we live in. We think we live in a fairly equal and just society in Sweden. But elsewhere, things can look quite medieval to us. What kind of justice is there in the world, what chance do individual people – big or small, rich or poor – have in a lawsuit against giant companies with nearly endless resources?
- Like many big companies before them, when Dole felt threatened they used a strategy known as Strategic Lawsuit Against Public Participation (SLAPP) to silence their critics and scare them with expensive legal costs to make them withdraw their lawsuits. Are there more examples of this kind of strategy?
- How do you view the role and responsibilities of the media in reporting on the injustices in the world?
- What is the mood among young people these days – how do they view injustice in the world and what individuals can do about them? "It doesn't matter what I think, so why care?" Is not an unusual comment. Do you agree, or do you have another view?

Aftermath

The film was accepted to a large film Festival in Los Angeles, in the competitive section. Dole found out and immediately protested in threatening tones. This led the festival management to eliminate the film from the competition, but they still showed it.

After seeing the documentary, the banana company decided to sue the company that produced it, WG film, as well as its director Fredrik Gertten and producer Margareta Jangård. One might wonder why Dole brought out the big guns for a tiny Swedish film company in the documentary business. This is not a big, spectacular Michael Moore “muscle film”, but a low-key, journalistically honest documentary, in which both sides are represented. The documentary shows less-than-flattering images of both sides. But the focus is on what the filmmakers saw as injustices, in which vulnerable people are hurt and have little opportunity to make their story heard.

- What do the students think this new lawsuit is about? Does a damaging consumer boycott lurk around the corner if the documentary were to have a surprisingly large public impact? A snowball effect that strikes out at Dole bananas as a result of millions of hits of selected scenes on YouTube?
- An American judge upheld a motion by the filmmakers to strike the lawsuit under California’s anti-SLAPP law, stating that the case was about freedom of speech. To laymen, legal wrangling can seem like hair-splitting. What are the key principles of justice in law? Do we have a justice system in Sweden in which citizens are equal in the eyes of the law?
- Examine how penalties are set for different types of crimes, and consider how you think they reflect our society and values.

Tips

If you’d like to know more, visit the website of the documentary: www.wgfilm.com/svenska. You will find several links there for further reading, including an offer to support the fight against Dole.

Production information

Sweden, Denmark, Norway, Finland, USA, Germany, Switzerland, Netherlands 2009

Produced by: Margarete Jangård

Written and directed by: Fredrik Gertten

Photography: Frank Pineda, Joseph Aguirre & David Auerbach

Editing: Jesper Osmund & Olivier Bugge Coutté

Music: Nathan Larsen

Research: Sara Bergfors & Jonas Goldmann

Starring

Juan J. Dominguez

Duane Miller

Byron Rosales Romero

Mercedes del Carmen Romero

Rick McKnight

Technical information

Length: 87 minutes

Format: 1:1.77 DVD, DVCAM and Tvix (Digital .mkv file)

Sound: Dolby E Surround

Suitable for: not yet established – probably age 11

Swedish premiere: 9 October 2009

Distribution

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