

**6 March 2018**

**Rejoinder by Christopher Avery to Bayer**

*This rejoinder comments on [Bayer's 4 March 2018 response](#) to my [23 January 2018 letter](#) to Werner Baumann (CEO of Bayer) and Werner Wenning (Chairman of the supervisory board of Bayer). Bayer sent that response to Business & Human Rights Resource Centre, after the Resource Centre invited Bayer to reply to my letter.*

The 4 March 2018 response by Bayer is very disappointing. The company apparently has decided to continue funding and sponsoring the Sean Hannity Show via its advertising. As explained in my 23 January 2018 letter to Bayer, this contributes to the undermining of internationally-recognized human rights and democratic institutions through Hannity's repeated, hostile attacks on journalists and on Special Counsel Robert Mueller (appointed by the U.S. Justice Department to oversee the investigation into Russian interference in the 2016 U.S. election).

Bayer says in its response that "Bayer, like any advertiser who purchases large packages of advertising time, runs the risk of having an occasional ad run on a network that broadcasts programming that may be seen as offensive." That statement is misleading. Bayer's advertising on the Sean Hannity Show is not accidental. Bayer has advertised extensively and repeatedly on the Sean Hannity Show – I have monitored the show – Bayer's advertising has not been occasional, and Bayer knows this. Bayer also knows that if it wishes to do so, it could stop advertising on that show. Other companies have taken such a decision. In November 2017 a number of companies pulled their advertising from the Sean Hannity Show after Hannity questioned the motives of the female accusers of Alabama Senate candidate Roy Moore, who had allegedly sexually assaulted females including teenage girls.<sup>1</sup> In September 2017 at least one company reportedly stopped its advertising over Hannity's response to violence at a white nationalist rally in Charlottesville, Virginia.<sup>2</sup> Earlier in 2017 a number of companies reportedly pulled their advertising after Hannity aggressively and repeatedly promoted a conspiracy theory about the murder of Democratic National Committee staffer Seth Rich.<sup>3</sup>

People are fed up with companies that adopt a human rights policy and pledge to respect human rights, then fail to implement that policy in practice when it is inconvenient for them. The United Nations Guiding Principles on Business and Human Rights provide that all companies must respect human rights, including in their business relationships. In this case, through its financial support of the Sean Hannity Show, Bayer has become complicit with Hannity's attacks on journalists and on Special Counsel Robert Mueller's investigation.

Bayer's response says "We would like to point out that we have expressed this view by email to Mr. Avery already on January 4, 2018 and in a phone call following that email." After an initial email that I sent to Bayer on 3 January 2018 raising human rights concerns in relation to its advertising on the Sean Hannity Show, indeed I did receive a brief email from a Bayer External Communications manager based in the United States on 4 January, which did make some of the same points made in Bayer's 4 March response. Because that 4 January email

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<sup>1</sup> "Even More Advertisers Are Dropping Sean Hannity Over His Roy Moore Coverage", Sara Boboltz, *Huffington Post*, 15 Nov 2017; "Sean Hannity Has Lost 11 Sponsors Since Remarks Defending Roy Moore (Update)", Jon Levine, *The Wrap*, 13 Nov 2017; "Here's how advertisers have responded to Hannity's coverage of the Roy Moore allegations", Tanya Dua, Maxwell Tani & Kate Taylor, *Business Insider*, 15 Nov 2017.

<sup>2</sup> "Cadillac Backs Away From 'Hannity' Advertising On Fox News", Sean Szymkowski, *GM Authority*, 25 Sep 2017.

<sup>3</sup> "Sean Hannity hit by advertiser exodus in wake of bogus Seth Rich story", Adam Gabbatt, *Guardian*, 26 May 2017; "Sean Hannity's Fox News show loses more sponsors over discredited story", *Independent*, 26 May 2017; "Hannity Loses Advertisers Over Seth Rich Conspiracy", Aria Bendix, *The Atlantic*, 25 May 2017.

from Bayer did not seem to appreciate the nature and gravity of the human rights concerns related to Bayer's advertising, I decided to write the 23 January letter to Bayer's CEO and Chair, copied to a number of senior managers at Bayer headquarters in Germany, which explains in detail the basis of the human rights concerns. That letter received no response from Bayer other than a brief telephone call on 16 February from the same Bayer External Communications manager based in the U.S. He began the call by asking me to agree that the conversation would be off-the-record and confidential – and I so agreed. The comments made during that telephone call by the Bayer representative were particularly disappointing, at times somewhat unprofessional and insulting, and did not address the substantive human rights concerns in my 23 January letter. If Bayer would like to lift the confidentiality of that conversation (which I would welcome), then I could recount specifically what the Bayer representative said and what I said. If Bayer wishes that telephone discussion to remain confidential, then the company should not suggest that the conversation was a substantive response by Bayer to the human rights concerns, because it was not.

I want to emphasize that I am writing this in my personal capacity – I am retired, and no longer have any connection with Business & Human Rights Resource Centre or with Amnesty International.

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