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Court allows warning about ineffective and dangerous vaccines

Statement of fact and expression of opinion

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– by Kai Rebmann



A turning point in the German courts or just a slight twitch of the rule of law? This question arises after a judgement of the Regional Court of Passau, in which the warning against the ineffective and dangerous Corona "vaccines" was declared a permissible statement of fact and opinion. After Federal Health Minister Karl Lauterbach (SPD) had been allowed by a judge as recently as November to continue spreading his obviously and demonstrably [false theories](#) of a supposedly "side-effect-free vaccination" (which he has since stopped doing), this ruling seemed only logical on the one hand. On the other hand, there has unfortunately been more than one judge who was removed from office because of a "wrong" - i.e. not government-compliant - judgement.

The case that has now been heard by the Regional Court of Passau is nevertheless quite different from, for example, [the sensational judgement in Weimar](#). As we will see, for formal legal reasons, the court had no choice but to dismiss as unfounded the complaint filed by the Bavarian Medical Association against the MWGFD (Mediziner und Wissenschaftler für Gesundheit, Freiheit und Demokratie) in the person of its deputy chairman, Dr Ronald Weigl. The association had published an information letter to doctors on its homepage, in which it had pointed out the ineffective and dangerous "vaccines" against Corona and, in particular, possible liability risks at the expense of vaccinating doctors. The Bavarian Medical Association therefore wanted to issue a warning to the MWGFD and demanded an injunction against the publication and distribution of the letter.

Unpleasant opinions are far from illegal

Dr Ronald Weikl was represented by the lawyer Beate Bahner in the lawsuit under civil and competition law before the Passau Regional Court. The Bavarian Medical Association had initially tried to negotiate an out-of-court settlement with its "compulsory member" (Bahner), which failed, and then went to court. The aim was to delete or remove the information letter from the homepage and to stop any further distribution of the letter. The judge in Passau also tried his luck again and wanted to persuade Dr. Weikl to make a settlement, since the content was somewhat "unpleasant". However, Beate Bahner clarifies: "Even if an opinion is unpleasant, it is far from being illegal or anti-competitive and therefore to be prohibited. And certainly not if there are costs associated with it." That is why they did not agree to the offered settlement, as the lawyer further explains in a comment on the ruling.

Bahner then quotes the passages from the information letter to all interested parties that the plaintiff did not want to accept in this way: "We urge you to no longer close your eyes to these serious facts. Draw the necessary consequences now, do not wait until the medical and political authorities come to their senses." Among these "grave facts", the lawyer specifically includes the fact that the Covid-19 vaccines are all unnecessary, ineffective and dangerous, and that the [vaccinating doctors can be held personally liable in case of vaccine damage](#). The letter went on to say, "Do not be complicit in the senseless prolongation of this irresponsible vaccination campaign that has already cost so many people their health and quite a few their lives." These remarks were backed up by numerous references to relevant publications and studies proving the ineffectiveness and danger of these "vaccines".

Lawsuit was doomed to fail from the start

The action brought by the Bavarian Medical Association was also dismissed by the Regional Court of Passau "because such information is already not a commercial act. And only commercial acts may be warned and prosecuted in court under competition law - in this case, claims under the Unfair Competition Act (UWG)." More importantly, however, the court also found that the letter was exclusively a statement of fact and opinion on "vaccinations", which is why it falls within the realm of public communication and explicitly does not constitute a commercial act.

The judge thus also let the argument of the lawyer for the opposing side go to waste. The lawyer had argued that the MWGFD was acting in a businesslike manner because the association was calling for donations via its homepage and was also accepting them. Apart from the fact that the letter in question did not contain such an appeal, the Passau Regional Court did not consider the solicitation of donations to be a commercial act. And a possible service in the sense of competition law was also not recognisable for the judge, since the MWGFD did not advertise for vaccination - but explicitly against it - and did not derive any financial benefit from it.

Finally, lawyer Beate Bahner could not resist a little side blow at the Bavarian Medical Association. Just like her client Dr Ronald Weikl, all doctors are compulsorily members of this organisation, whether they want to be or not. This membership is, of course, also linked to corresponding compulsory contributions. Since the lawsuit was doomed to fail from the very beginning due to the technical errors, Bahner states with regard to the legal costs of several thousand euros incurred by the plaintiff: "This is at the expense of the medical profession, which is obliged to pay compulsory membership fees. That's one way of squandering doctors' membership fees."

Video from Beate Bahner:

<https://youtu.be/McsLmjOOzyw>