

## Syllabus

# SUPREME COURT OF THE UNITED STATES

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425 U.S. 748

Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

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No. 74-895 Argued: November 11, 1975 --- Decided: May 24, 1976

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Appellees, as consumers of prescription drugs, brought suit against the Virginia State Board of Pharmacy and its individual members, appellants herein, challenging the validity under the First and [Fourteenth Amendments](#) of a Virginia statute declaring it unprofessional conduct for a licensed pharmacist to advertise the prices of prescription drugs. A three-judge District Court declared the statute void and enjoined appellants from enforcing it.

*Held:*

1. Any [First Amendment](#) protection enjoyed by advertisers seeking to disseminate prescription drug price information is also enjoyed, and thus may be asserted, by appellees as recipients of such information. Pp. 756-757.
2. "Commercial speech" is not wholly outside the protection of the First and [Fourteenth Amendments](#), and the Virginia statute is therefore invalid. Pp. 761-773.
  - (a) That the advertiser's interest in a commercial advertisement is purely economic does not disqualify him from protection under the First and [Fourteenth Amendments](#). Both the individual consumer and society in general may have strong interests in the free flow of commercial information. Pp. 762-765.
  - (b) The ban on advertising prescription drug prices cannot be justified on the basis of the State's interest in maintaining the professionalism of its licensed pharmacists; the State is free to require whatever professional standards it wishes of its pharmacists, and may subsidize them or protect them from competition in other ways, but it may not do so by keeping the public in ignorance of the lawful terms that competing pharmacists are offering. Pp. 766-770.
  - (c) Whatever may be the bounds of time, place, and manner restrictions on commercial speech, they are plainly exceeded by [p749] the Virginia statute, which singles out speech of a particular content and seeks to prevent its dissemination completely. Pp. 770-771.

(d) No claim is made that the prohibited prescription drug advertisements are false, misleading, or propose illegal transactions, and a State may not suppress the dissemination of concededly truthful information about entirely lawful activity, fearful of that information's effect upon its disseminators and its recipients. Pp. 771-773.

373 F.Supp. 683, affirmed.

BLACKMUN, J., delivered the opinion of the Court, in which BURGER, C.J., and BRENNAN, STEWART, WHITE, MARSHALL, and POWELL, JJ., joined. BURGER, C.J., *post*, p. 773, and STEWART, J., *post*, p. 775, filed concurring opinions. REHNQUIST, J., filed a dissenting opinion, *post*, p. 781. STEVENS, J., took no part in the consideration or decision of the case.