

The Court has also upheld a variety of other licensing or regulatory legislation applicable to places of amusement,²⁷⁷ grain elevators,²⁷⁸ detective agencies,²⁷⁹ the sale of cigarettes²⁸⁰ or cosmetics,²⁸¹ and the resale of theater tickets.²⁸² Restrictions on advertising have also been upheld, including absolute bans on the advertising of cigarettes²⁸³ or the use of a representation of the United States flag on an advertising medium.²⁸⁴ Similarly constitutional were prohibitions on the solicitation by a layman of the business of collecting and adjusting claims,²⁸⁵ the keeping of private markets within six squares of a public market,²⁸⁶ the keeping of billiard halls except in hotels,²⁸⁷ or the purchase by junk dealers of wire, copper, and other items, without ascertaining the seller's right to sell.²⁸⁸

Protection of State Resources

Oil and Gas.—A state may prohibit conduct that leads to the waste of natural resources.²⁸⁹ Thus, for instance, where there is a limited market for natural gas acquired attendant to oil production or where the pumping of oil and gas from one location may limit the ability of others to recover oil from a large reserve, a state may require that production of oil be limited or prorated among produc-

²⁷⁷ *Western Turf Ass'n v. Greenberg*, 204 U.S. 359 (1907).

²⁷⁸ *W.W. Cargill Co. v. Minnesota*, 180 U.S. 452 (1901).

²⁷⁹ *Lehon v. Atlanta*, 242 U.S. 53 (1916).

²⁸⁰ *Gundling v. Chicago*, 177 U.S. 183, 185 (1900).

²⁸¹ *Bourjois, Inc. v. Chapman*, 301 U.S. 183 (1937).

²⁸² *Weller v. New York*, 268 U.S. 319 (1925).

²⁸³ *Packer Corp. v. Utah*, 285 U.S. 105 (1932).

²⁸⁴ *Halter v. Nebraska*, 205 U.S. 34 (1907).

²⁸⁵ *McCloskey v. Tobin*, 252 U.S. 107 (1920).

²⁸⁶ *Natal v. Louisiana*, 139 U.S. 621 (1891).

²⁸⁷ *Murphy v. California*, 225 U.S. 623 (1912).

²⁸⁸ *Rosenthal v. New York*, 226 U.S. 260 (1912). The Court also upheld a state law forbidding (1) solicitation of the sale of frames, mountings, or other optical appliances, (2) solicitation of the sale of eyeglasses, lenses, or prisms by use of advertising media, (3) retailers from leasing, or otherwise permitting anyone purporting to do eye examinations or visual care to occupy space in a retail store, and (4) anyone, such as an optician, to fit lenses, or replace lenses or other optical appliances, except upon written prescription of an optometrist or ophthalmologist licensed in the state is not invalid. A state may treat all who deal with the human eye as members of a profession that should refrain from merchandising methods to obtain customers, and that should choose locations that reduce the temptations of commercialism; a state may also conclude that eye examinations are so critical that every change in frame and duplication of a lens should be accompanied by a prescription. *Williamson v. Lee Optical Co.*, 348 U.S. 483 (1955).

²⁸⁹ *Cities Service Co. v. Peerless Co.*, 340 U.S. 179 (1950) (sustaining orders of the Oklahoma Corporation Commission fixing a minimum price for gas and requiring one producer to buy gas from another producer in the same field at a dictated price, based on a finding that low field prices for natural gas were resulting in economic and physical waste); *Phillips Petroleum Co. v. Oklahoma*, 340 U.S. 190 (1950).