

Then, the Court swept all these distinctions away as it voided a statute that declared it unprofessional conduct for a licensed pharmacist to advertise the prices of prescription drugs.¹⁰⁴³ In a suit brought by consumers to protect their right to receive information, the Court held that speech that does no more than propose a commercial transaction is nonetheless of such social value as to be entitled to protection. Consumers' interests in receiving factual information about prices may even be of greater value than political debate, but in any event price competition and access to information about it is in the public interest. State interests asserted in support of the ban—protection of professionalism and the quality of prescription goods—were found either badly served or not served by the statute.¹⁰⁴⁴

Turning from the interests of consumers to receive information to the asserted right of advertisers to communicate, the Court voided several restrictions. The Court voided a municipal ordinance that barred the display of "For sale" and "Sold" signs on residential lawns, purportedly so as to limit "white flight" resulting from a "fear psychology" that developed among white residents following sale of homes to nonwhites. The right of owners to communicate their intention to sell a commodity and the right of potential buyers to receive the message was protected, the Court determined; the community interest could have been achieved by less restrictive means and in any event may not be achieved by restricting the free flow of truthful information.¹⁰⁴⁵ Similarly, deciding a question it had reserved in the *Virginia Pharmacy* case, the Court held that a state could not forbid lawyers from advertising the prices they charged for the performance of routine legal services.¹⁰⁴⁶ None of the proffered state justifications for the ban was deemed sufficient to overcome the private and societal interest in the free exchange of this form of speech.¹⁰⁴⁷ Nor may a state categorically prohibit attorney advertising through mailings that target persons known to face particular legal prob-

¹⁰⁴³ *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976). Justice Rehnquist dissented. *Id.* at 781.

¹⁰⁴⁴ 425 U.S. at 763–64 (consumers' interests), 764–65 (social interest), 766–70 (justifications for the ban).

¹⁰⁴⁵ *Linmark Assocs. v. Township of Willingboro*, 431 U.S. 85 (1977).

¹⁰⁴⁶ *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977). Chief Justice Burger and Justices Powell, Stewart, and Rehnquist dissented. *Id.* at 386, 389, 404.

¹⁰⁴⁷ 433 U.S. at 368–79. *See also In re R.M.J.*, 455 U.S. 191 (1982) (invalidating sanctions imposed on attorney for deviating in some respects from rigid prescriptions of advertising style and for engaging in some proscribed advertising practices, because the state could show neither that his advertising was misleading nor that any substantial governmental interest was served by the restraints).