
Supreme Court Finds Vermont Statute Restricting Pharmaceutical Marketing Unconstitutional Under the First Amendment

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On June 23, 2011, in *Sorell v. IMS Health Inc.*, the Court invalidated under the First Amendment a Vermont statute prohibiting pharmaceutical manufacturers from marketing their products to doctors by using prescriber-specific pharmacy records. Affirming the Second Circuit Court of Appeals with a 6-3 majority, the Court held that Vt. Stat. Ann., Tit. 18, §4631(d) unconstitutionally burdened the speech of pharmaceutical marketers and data miners without adequate justification.

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