



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Marketing Practices

Craig Tregillus  
ctregillus@ftc.gov

Direct Dial: (202) 326-2970  
Facsimile: (202) 326-3395

November 24, 2009

Harvey I. Lapin, Esq.  
Harvey I. Lapin, PC  
P.O. Box 1327  
Northbrook, IL 60065-1327

Dear Mr. Lapin:

This letter responds to your request for a staff opinion interpreting Section 453.4(e)(2) of the Funeral Rule, which prohibits claims representing “that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.”<sup>1</sup> You ask, in particular, whether this provision bars an advertisement by a funeral provider that expressly claims a burial vault is “waterproof.”

The Commission’s discussion of this provision in tTD(on0n7()TjET1.00(isc)Tj13.3200 0.0000 TDBT21

---

<sup>1</sup> 16 C.F.R. § 453.3(e)(2).

<sup>2</sup> 47 Fed. Reg. 42280, 42278 & n.186 (Sept. 24, 1982), *available at* <http://www.ftc.gov/bcp/rulemaking/funeral/funrlprac.pdf>.

Harvey I. Lapin, Esq.

Page 2 of 2

As you know, the views expressed in this letter are those of the FTC staff. They have not been reviewed, approved, or adopted by the Commission, and they are not binding on the Commission or any individual Commissioner. However, they do reflect the views of FTC staff charged with enforcement of the Funeral Rule. Staff Funeral Rule opinions are routinely posted on the FTC website at <http://www.ftc.gov/bcp/online/edcams/funerals/staffopinions.shtm>.

Sincerely,

/s/

Craig Tregillus  
Funeral Rule Coordinator