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<sup>1</sup> 16 C.F.R. § 453.4(b)(1).

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the delivery truck into the building. While a funeral provider cannot impose restrictions that unreasonably impede a third-party provider's ability to deliver a casket to the funeral home, staff is not prepared to say that the Rule affirmatively requires a funeral provider to pay the labor cost associated with unloading a third-party casket and removing its packaging, particularly when small funeral providers may not have personnel who are physically capable of assisting in unloading a heavy and cumbersome casket.

On the other hand, withholding the use of a funeral provider's standard equipment, such as a utility "church truck" to assist in bringing the casket into the funeral home would impose an unreasonable impediment to the delivery of a third-party casket. Indeed, such equipment is part of the funeral provider's overhead costs, which are charged to and paid by consumers in the form of the funeral provider's non-declinable basic services fee. It is an unreasonable burden to deny consumers the benefits of equipment for which they must pay simply because they have exercised their right to purchase a casket from a third party.

Finally, your inquiry asks whether it is a violation of the Rule for a funeral provider to disparage the quality of third-party caskets or mislead consumers about the savings available from package pricing discounts. A primary purpose of the Rule, and of the price disclosures it requires, is to prevent price and savings misrepresentations by assuring that consumers receive accurate price information. Although disparagement of a competitor's products is not prohibited by the Funeral Rule, material representations that are false, misleading or deceptive may violate Section 5 of the Federal Trade Commission Act,<sup>8</sup> and expose a funeral provider to an FTC law enforcement action.

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As you know, the views expresse

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15 U.S.C. § 45.