



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

Division of Marketing Practices

Laurie Meehan
Attorney

Direct Dial
202-326-3755

October 31, 1997

Lisa Carlson
Executive Director
Funeral & Memorial Societies of America, Inc.
P.O. Box 10
Hinesburg, Vermont 05461

Dear Ms. Carlson:

[Redacted content]

practice for funeral providers to represent that federal, state, or local laws, regulations,

cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.”

Further, apart from the scenarios described above, you alleged more generally that some consumers who opt for direct cremation are being charged a fee for a “required identification

viewing.” Such a fee, if it is non-declinable, may also violate the Funeral Rule. The only permissible non-declinable charges are the basic services fee and, in some instances, funeral goods and services that are required to be purchased by law. Thus, if a funeral provider charges a consumer for “required identification viewing” of the deceased, and it is neither part of the basic services fee nor required by law, the unavoidable charge would likely be in violation of Section

only those goods and services that they specifically select. The Rule seeks to promote informed decision-making so that consumers are able to make funeral arrangements that are within their means. Further, the Funeral Rule addresses other unfair or deceptive practices in the context of purchasing funeral goods and services. It has not yet been established that the practices or



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Joseph M. Mahan

Attorney

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Lisa Carlson
Executive Director

Expand & Memorial Society of America, Inc.

P.O. Box 10
Hinesburg, Vermont 05461

Dear Ms. Carlson:

practice for funeral providers to represent that federal, state, or local laws or regulations

prohibit or restrict the purchase of any funeral goods or funeral services when

such is not the case.”

Further apart from the scenarios described above you alleged more generally that some

decision making as that encompasses the 11- to 12- hour period of the day.