

FTC FACTS for Consumers



Paying Final Respects: Your Rights When Buying Funeral Goods & Services

When a loved one dies, grieving family members and friends often are confronted with dozens of decisions about the funeral — all of which must be made quickly and often under great emotional stress.

What kind of funeral should it be? What funeral provider should you use? Should you bury or cremate the body, or donate it to science? What are you legally required to buy? What about the availability of environmentally friendly or “green” burials? What other arrangements should you plan? And, practically, how much is it all going to cost?

Each year, people grapple with these and many other questions as they spend billions of dollars arranging funerals for family members and friends.

Many funeral providers offer various “packages” of goods and services that make up different kinds of funerals. The Federal Trade Commission, the nation’s consumer protection agency, wants you to know that when you arrange for a funeral, you have the right to buy goods and services separately. That is, you do not have to accept a package that may include items you do not want.

Facts for Consumers

THE FUNERAL RULE

The Funeral Rule, enforced by the FTC, makes it possible for you to choose only those goods and services you want or need and to pay only for those you select, whether you are making arrangements when a death occurs or in advance. The Rule allows you to compare prices among funeral homes, and makes it possible for you to select the funeral arrangements you want at the home you use. (The Rule does not apply to third-party sellers, such as casket and monument dealers, or to cemeteries that lack an on-site funeral home.)

The Funeral Rule gives you the right to:

- **Buy only the funeral arrangements you want.** You have the right to buy separate goods (such as caskets) and services (such as embalming or a memorial service). You do not have to accept a package that may include items you do not want.
- **Get price information on the telephone.** Funeral directors must give you price information on the telephone if you ask for it. You don't have to give them your name, address or telephone number first. Although they are not required to do so, many funeral homes mail their price lists, and some post them online.
- **Get a written, itemized price list when you visit a funeral home.** The funeral home must give you a General Price List (GPL) that is yours to keep. It lists all the items and services the home offers, and the cost of each one.
- **See a written casket price list before you see the actual caskets.** Sometimes, detailed casket price information is included on the funeral home's GPL. More often, though, it's provided on a separate casket price list. Get the price information before you see the caskets, so that you can ask about lower-priced products that may not be on display.
- **See a written outer burial container price list.** Outer burial containers are not required by state law anywhere in the U.S., but many cemeteries require them to prevent the grave from caving in. If the funeral home sells containers, but doesn't list their prices on the GPL, you have the right to look at a separate container price list before you see the containers. If you don't see the lower-priced containers listed, ask about them.
- **Receive a written statement after you decide what you want, and before you pay.** It should show exactly what you are buying and the cost of each item. The funeral home must give you a statement listing every good and service you have selected, the price of each, and the total cost immediately after you make the arrangements.
- **Get an explanation in the written statement you receive** from the funeral home that identifies and describes any legal, cemetery or crematory requirement that compels the purchase of any funeral goods or services for which you are being charged.
- **Use an "alternative container" instead of a casket for cremation.** No state or local law requires the use of a casket for cremation. A funeral home that offers cremations must tell you that alternative containers are available, and must make them available. They might be made of unfinished wood, pressed wood, fiberboard, or cardboard.
- **Provide the funeral home with a casket or urn you purchase elsewhere.** The funeral provider cannot refuse to handle a casket or urn you bought online, at a local casket store, or somewhere else — or charge you a fee to do it. The funeral home cannot require you to be there when the casket or urn is delivered to them.
- **Make funeral arrangements without embalming.** No state law requires routine embalming for every death. Some states require embalming or refrigeration if the

body is not buried or cremated within a certain time; some states don't require it at all. In most cases, refrigeration is an acceptable alternative. In addition, you may choose services like direct cremation and immediate burial, which don't require any form of preservation. Many funeral homes have a policy requiring embalming if the body is to be publicly viewed, but this is not required by law in most states. Ask if the funeral home offers private family viewing without embalming. If some form of preservation is a practical necessity, ask the funeral home if refrigeration is available.

COST CONSIDERATIONS

The casket and the funeral home's fee for the basic services of the funeral director and staff are typically the most expensive items in a full-service funeral. Comparison shop before you decide on a casket and funeral home; you may find a wide variation in pricing. If cost is a consideration, look at lower-price caskets and outer burial containers offered by the funeral home, local casket providers, or online retailers. Caskets and outer burial containers with warranties may not be worth the extra cost because no casket or container can delay the decomposition of human remains indefinitely, and the Funeral Rule prohibits statements to the contrary.

If you don't want to hold a viewing, you can avoid charges for embalming and "other preparation of the body," and the charges for a viewing. Most states do not require embalming except in special cases. The Funeral Rule requires that an explanation of any charge for embalming be included in the written statement you receive immediately after making the funeral arrangements.

Immediate burial and direct cremation usually are the least expensive options. The cost of permits, preparing death notices, and coordinating cemetery or crematory arrangements must be included in the price for direct cremation and immediate burial. If you choose cremation,

The Funeral Rule in brief:

- You have the right to choose the funeral goods and services you want (with some exceptions).
- The funeral provider must give you a General Price List (GPL) that states your right to choose what you want in writing.
- If state or local law requires you to buy any particular good or service, the funeral provider must disclose it on the price list, with a reference to the specific law.
- The funeral provider cannot refuse to handle a casket or urn you bought elsewhere — or charge you a fee to do that.
- A funeral provider who offers cremations must make alternative containers available.
- You can't be charged for embalming that your family didn't authorize, unless it's required by state law.

ask if the direct cremation price includes any crematory fee. If you want additional services, including the use of staff and facilities for a memorial service, the funeral home may charge an additional fee.

In most states, you are not legally required to use a funeral home to conduct a funeral. These functions may be handled by a religious or other organization, or by your family. In addition, veterans, their immediate family members, public health workers, and some civilians who provide military-related service are entitled to burial in a national cemetery with a grave marker. Burial for the veteran is free, but the family is responsible for all funeral home expenses, such as the funeral ceremony or memorial service, and transportation to the cemetery. Many states have low-cost cemeteries for veterans.

Facts for Consumers

PLANNING YOUR OWN FUNERAL

Planning your own funeral arrangements can be a thoughtful and considerate way to ease the burden on your family. Planning lets you shop and compare goods and services without time constraints. You can find the best prices, make sensible decisions, and discourage emotional overspending on elaborate arrangements that family members might be tempted to purchase in their bereavement. Share your plans with family members so they understand your desires and have the information they need.

Many people say that discussions with a lawyer about preparing or updating their will, living will or powers of attorney (including a durable power of attorney for health care) — or conversations with a financial advisor about investment strategies for retirement — prompt them to think about making arrangements for their own funerals. Attorneys and financial consultants can be good sources of information about planning funerals, as are the following organizations:

AARP

601 E Street, NW
Washington, DC 20049
888-687-2277
www.aarp.org

AARP is a membership organization for people 50 years of age and older. Funeral-related information also is available at www.aarp.org/families/grief_loss/.

Council of Better Business Bureaus, Inc.

4200 Wilson Blvd., Suite 800
Arlington, VA 22203-1838
703-276-0100
www.bbb.org/alerts/family.asp

Better Business Bureaus are private, nonprofit organizations that promote ethical business standards and voluntary self-regulation of business practices.

Cremation Association of North America

401 North Michigan Avenue
Chicago, IL 60611
312-245-1077
www.cremationassociation.org

CANA is an association of crematories, cemeteries, and funeral homes that offer cremation.

Funeral Consumers Alliance

33 Patchen Road
South Burlington, VT 05403
800-765-0107
www.funerals.org

FCA is a nonprofit educational organization that supports increased funeral consumer protection. Their website has free pamphlets on funeral planning, plus a directory of local volunteer funeral planning groups.

Funeral Ethics Organization

87 Upper Access Road
Hinesburg, VT 05461
802-482-3437
www.funeralethics.org

FEO, an independent nonprofit educational organization, promotes ethical dealings in death-related transactions and provides mediation assistance to resolve consumer complaints.

Green Burial Council

8 Estacada Court
Santa Fe, NM 87508
888-966-3330
www.greenburialcouncil.org

GBC, an independent, nonprofit that encourages environmentally sustainable death care practices as a means of acquiring, restoring, and stewarding natural areas, assists consumers in identifying “green” cemetery, funeral, and cremation services.

International Cemetery and Funeral Association

107 Carpenter Drive, Suite 100
Sterling, VA 20164
800-645-7700
www.icfa.org/consumer.html

ICFA is a nonprofit association of cemeteries, funeral homes, crematories, and monument retailers that offers informal mediation of consumer complaints through its Cemetery Consumer Service Council. Its website provides information and advice in its *Consumer Resource Guide*.

International Order of the Golden Rule

PO Box 28689
St. Louis, MO 63146-1189
800-637-8030
www.ogr.org

OGR is an international association of about 1,300 independent funeral homes.

Jewish Funeral Directors of America

150 Lynnway, Suite 506
Lynn, MA 01902
781-477-9300
www.jfda.org

JFDA is an international association of funeral homes serving the Jewish community.

National Funeral Directors Association

13625 Bishop's Drive
Brookfield, WI 53005
800-228-6332
www.nfda.org/consumerresources.php

NFDA is an educational and professional association of funeral directors, which provides consumer information on its website at www.nfda.org/consumerresources.php. NFDA also sponsors the NFDA Help Line, which is designed to help consumers resolve complaints about NFDA members.

National Funeral Directors and Morticians Association

3951 Snapfinger Parkway, Suite 570
Decatur, GA 30035
800-434-0958
www.nfdma.com

NFDMA is a national association primarily of African-American funeral providers.

Selected Independent Funeral Homes

500 Lake Cook Road, Suite 205
Deerfield, IL 60015
800-323-4219
www.selectedfuneralhomes.org/information

SIFH is an international association of funeral firms that have agreed to comply with its Code of Good Funeral Practices.

SOLVING PROBLEMS

If you have a problem concerning funeral matters, it's best to try to resolve it first with the funeral director. If you are dissatisfied with the funeral services you receive, the Funeral Consumers Alliance offers advice on how best to resolve a problem. In addition, the FEO, the NFDA Help Line, and the ICFA Cemetery Consumer Service Council may be able to provide informal mediation of a complaint. You also can contact your state or local consumer protection agencies. Check the Blue Pages of your telephone directory for the phone number or check www.naag.org for a list of state Attorneys General.



Facts for Consumers

In addition, you can file a complaint with the FTC. Visit ftc.gov or call 1-877-FTC-HELP (382-4357); TDD: 1-866-653-4261. Although the Commission cannot resolve individual problems for consumers, it can act against a company if it sees a pattern of possible law violations.

FOR MORE INFORMATION

For more comprehensive information about the Funeral Rule, see *Funerals: A Consumer Guide*, at www.ftc.gov/funerals. The *Guide*, written by the FTC, includes a price checklist, glossary of terms, a description of services, information sources, and a list of questions to ask funeral professionals.

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

FEDERAL TRADE COMMISSION	ftc.gov
1-877-FTC-HELP	FOR THE CONSUMER

Federal Trade Commission
Bureau of Consumer Protection
Division of Consumer and Business Education

May 2007