



Funeral Consumers Alliance of Maryland and Environs

Protecting a consumer's right to a meaningful, dignified, and affordable funeral.

Newsletter

Spring 2007

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This newsletter is dedicated to Ralph Therien for all of his wonderful work on behalf of our chapter.

“The Results of our 2007 Mortuary Price Survey: Compelling Reasons to Know your Rights”

This year, as in the past, we compared prices for the simplest of funeral arrangements—direct cremation and immediate burial—among mortuaries primarily in Maryland but also in our “environs,” including Delaware, West Virginia, and, this time, DC as well. We covered, in all, 115 establishments, 21 more than in 2005. What we found underscores our conviction that comparison-shopping beforehand is essential: For the funeral homes in our survey, a direct cremation costs, on average, \$1648, with a high of \$6500 and a low of \$745—a spread of more than \$5700 for the same or similar services. Likewise for immediate burial an equally wide gap exists: a difference of over \$5600 between a low of \$850 and a high of \$6500 for services costing on average \$2389 (including casket). While these figures are revealing, they are not the key, for more telltale information was gleaned from our scrutiny of each mortuary’s **General Price List (GPL)**, the source of our price information.

You may recall that the GPL is the cornerstone of a major regulation governing the funeral transaction—the Funeral Rule, crafted by the FTC in 1982 to rectify the abuses of the past when funeral prices were shrouded in secrecy. The Rule mandates that the GPL set forth an itemized listing of the prices of goods and services which each establishment offers along with certain prescribed options and disclosures. The intent here is to enable “comparison-shopping” for arrangements, inform consumers of certain rights, and dispel specific unfair and deceptive practices. What we found however could not have been further from this goal. Our discoveries were chilling. For starters, bad math—never in the consumer’s favor.

You wouldn't think that an immediate disposition, without embalming or a viewing—an arrangement in which the services of a funeral director are limited—would be laden with pitfalls and the potential for abuse. But, while studying the GPL's of the establishments which we covered, and visiting or phoning 21 of those mortuaries along the lines of our visits described in previous newsletters ("A Stroll Down Mortuary Lane," winter 2005, and "Mortuary Mischief," spring 2006), we found shenanigans: for instance, our request for an immediate burial—one of the 16 required items on a GPL and an arrangement to which every consumer is entitled—elicited, time after time, deceptive and fraudulent responses from funeral directors. Moreover our desire for an inexpensive casket provoked further misrepresentation. But before expanding upon this discussion, we should first examine the concept of "immediate burial," a major focus of our survey, to understand its meaning—and price.

Back in 2000, when I began conducting surveys for FCAME, the entry on GPL's for "immediate burial" consisted almost always of what one might call a "bare bones" funeral: body pickup ("removal of remains" on the GPL), local transportation to the cemetery (the charge for the "hearse" or "service vehicle") and the basic services fee of the funeral director and staff, a nondeclinable fee which the Funeral Rule mandates consumers pay in addition to everything else—except that, for the arrangements which we compared in our survey, namely, direct cremation and immediate burial, it is already included. Most likely, these three "bare bones" services were what the FTC had in mind for the heading "immediate burial." But the Funeral Rule permits establishments to include what they wish so long as they describe what that is. So it comes as no surprise that, in our latest survey, there unfolded a plethora of additional services which an increasing number of mortuaries had added. What is the significance of this?

For one thing, as we shall see, you'll have to do computations to make sure you're not paying more than necessary. But even without the extras, here is a bit of advice: Always double check the calculation used to arrive at the cost of an immediate burial: study the GPL to find the itemized, or ala carte, prices of the services included in the immediate burial entry and tally them to ensure that the mortician's math is correct.

Here is an example of an entry from a GPL in our survey:

Immediate Burial: *Range: \$3655 to \$4555*

Our charge includes transfer of remains; basic services of funeral director and staff; transfer to cemetery; and dressing and casketing.

A. Immediate Burial with minimum casket from funeral home: \$4555

B. Immediate Burial with casket provided by consumer: \$3655.

Comment: Notice that the Funeral Rule requires that the immediate burial entry include a price range together with one option in which a casket (or simple container) is provided by the consumer and at least one other where this is purchased from the funeral home. (By subtracting \$3655 from \$4555, you can see that the casket offered here—in this case the mortuary’s “minimum,” or least expensive—costs \$900.) At this establishment an immediate burial consisting of the four services enumerated in the immediate burial entry costs \$3655, according to the mortician’s calculation. But if you look at the itemized, or ala carte, charges listed elsewhere on the GPL, you’ll see the following:

Transfer of remains - \$375
Basic services fee - \$2470
Transfer to cemetery (i.e., the charge for a hearse) - \$350
Dressing and casketing - \$340

Calculate this on your own to find that these services total \$3535, not \$3655. By ascertaining the itemized prices on the GPL and doing the math yourself, you’ll catch this error of \$120, money better saved than wasted on account of an arithmetic mistake!

But now comes a complication: the immediate burial entry on a GPL is often not the simple sum of its itemized, or ala carte, components, as in the example above. Rather, it may have a discounted price, for its services are grouped together as a convenience and offered as a “package.” Thus it is not uncommon for morticians—and this is not a bad thing—to mark down one of the parts of the package, the basic services fee, an outlandish fee in the first place. The result? Often—in spite of numerous, nonessential services, or “padding” slipped in to inflate it—the immediate burial package costs less than the sum of its itemized parts. But beware! Not always! Thus you should do the math in every case! And remember, as consumer activist Lisa Carlson points out, you always have the right to reject the package altogether and go ala carte instead—just make sure you’ll be saving money.

Here are examples:

Immediate Burial at Funeral Home "A":

Range: **\$2495** to \$10,000

Our charge includes removal of remains; local transportation to the cemetery; basic services of staff; dressing; casketing; washing and disinfecting remains; and a graveside service.

A. *Immediate burial with casket provided by purchaser: **\$2495***

B. *Immediate burial with casket selected from our funeral home: **\$2495**
(in addition to cost of casket)*

Comment: Elsewhere on the GPL you'll find the itemized, or ala carte, prices of the services enumerated:

*Transfer (removal) of remains - \$335
Transportation to cemetery - \$345
Basic services fee - \$1600 (but discounted to \$1300 for package)
Dressing - \$90
Casketing - \$90
Washing and disinfecting remains - \$85
Graveside service - \$250
Total: \$2495 (agrees with mortician's math)*

Comment: Do you want all the services in this package? Perhaps you can save money by going ala carte and selecting just the three "bare bones" services (if that's all you'd like):

*Transfer of remains - \$335
Transportation to cemetery - \$345
Basic services fee - \$1600 (no discount because this is ala carte, not package deal)
Total: \$2280 (ala carte costs \$215 less than package)*

Immediate Burial at Funeral Home "B": Range: **\$2180** to \$2880

Our charge includes basic services of funeral director and staff, local removal of remains, other preparation of remains, casketing, and funeral coach.

*A. Immediate burial with casket provided by purchaser: **\$2180***

B. Immediate burial with minimum casket from our funeral home: \$2880

Comment: Elsewhere on the GPL, the itemized (ala carte) prices of the services included in this package are:

Basic services fee - \$1900 (but discounted to \$1440 for package)

Transfer (removal) of remains - \$185

Other preparation of remains - \$125

Casketing - \$180

Hearse (funeral coach) - \$250

Total: \$2180 (agrees with mortician's math)

Comment: Can you save money by choosing just the "bare bones" services ala carte? Find the itemized prices—always ask the funeral director whenever you need help with this—and calculate the total:

Basic services fee - \$1900 (no discount because this is ala carte, not package)

Transfer (removal) of remains - \$185

Hearse (funeral coach) - \$250

Total: \$2335 (a la carte is \$155 more than package)

In this case, you're better off paying for the package, even though it includes more services. Because you must forego the large discount off the basic services fee, going ala carte for just the three "bare bones" services will cost you more than paying for the package with five.

So you see that buying even the simplest of funeral arrangements requires a clear mind. Hence our admonition to shop beforehand. After all, what grief-weary family would come to a funeral home with a calculator in hand and an eye toward math? Visit at leisure to get an idea of the pricing techniques at various establishments.

As if these arithmetic complexities weren't tough enough, we found in our survey that bad math was not unheard of. Miscalculations always resulted in a loss for the consumer, never the mortician. How can you spot this sort of error? When it comes to immediate burials, here's what you should look for on a GPL:

Immediate Burial at Funeral Home "C": Range: \$1295 to \$1990

- A. Immediate burial with casket provided by purchaser.....\$1295
- B. Immediate burial with minimum casket.....\$1990
- C. Immediate burial with casket from our funeral home.....\$1295
(in addition to cost of casket)

Elsewhere on the GPL:

CASKETS.....\$595 TO \$6775

A complete casket price list will be provided by the funeral home.

Comment: Notice that the Funeral Rule requires morticians to include a range of casket prices on the GPL.

Calculate the following: Subtract \$1295 (option A or option C, the cost of immediate burial without a casket) from \$1990 (option B, the combined cost of immediate burial and minimum casket) to ascertain **the cost, at this establishment, of the minimum, in other words, least expensive, casket, which is \$695. But look at the range of casket prices: the least expensive costs \$595, not \$695, a difference of \$100, about which you should inquire.** Always do these calculations for all immediate burial entries and ask the mortician about discrepancies which you find.

Here's an example to help you uncover an **illegal handling fee:**

Immediate Burial at Funeral Home "D": Range: \$1300 to \$1995

- A. Immediate burial with casket provided by purchaser... **\$1450**
- B. Immediate burial with minimum casket.....\$1995
- C. Immediate burial with casket from our funeral home.....**\$1300**
(in addition to cost of casket)

Comment: The numbers in both options A and C should be identical, that is, the cost of immediate burial should be the same whether you supply your own casket or purchase one from the funeral home. In this case, option A, immediate burial with casket supplied by purchaser, costs \$150 more than option C, where the casket is selected from the funeral home: This amounts to a \$150 handling charge if you supply your own casket—a major violation of the Funeral Rule!

And there's more.

So tiny was the print on approximately 10% of the GPL's in our survey that I could barely read them. (Do funeral homes cater only to the under-40 crowd?) And more than 18% lacked the mandatory options and price ranges. Moreover some GPL's could only be described as "a mess": with computations that didn't add up or numbers that made no sense ("a printing error," explained one mortician; "I'll have to re-do this and mail it to you later," said another; "I'm not responsible for the numbers; my manager drew up the GPL," stated a third.) On one GPL the prices of goods were noted—not as numbers—but with the phrases "market price" or "itemized upon request"; on another, options were presented—but without prices! One place in Prince George's county didn't list immediate burial at all—a crafty way to keep consumers from selecting it. When I inquired, I was casually told: "Immediate burial? Just subtract out the limousine and acknowledgement cards from Package A."

Why does this matter? Above all, because with each deviation from the Funeral Rule, consumers' rights are eroded. How can one "comparison shop" when price lists are nonsensical? How effective is the Funeral Rule, for which consumers fought long and hard—when GPL's—the Rule's foundation—are out-of-whack and confusing?

You might consider a GPL like an old-style catalog card that used to fill drawer after drawer in the main room of a library. In the world of books, it reigned supreme: it wouldn't have mattered if it had been written in a foreign language—with its format in place, any user could study an entry and recognize, at once, the author, title, imprint, and pagination. Of course the Anglo American Cataloging Rules could hardly be compared to the Funeral Rule, but the notion is the same: For any funeral home, at any location, consumers should be able to identify instantly from the GPL, at the very least, options and price ranges for immediate burial as well as the cost of the least expensive casket.

But I'm sorry to say, from what I have seen—due to lack of compliance—in this regard the Funeral Rule has failed us.

And what do we make of the low-cost casket? Why is it often an elusive item, sometimes omitted from the Casket Price List (CPL) altogether? Here follows my conversation with a mortician about the cost of his minimum casket. (FD stands for "funeral director"):

Me: I'm interested in the cost of an immediate burial with your least expensive casket. How much is that?

FD: \$1750...\$1200 plus \$550 for a casket.

Me: So if I understand correctly: your immediate burial is \$1200, and your lowest priced casket costs \$550. Is that right?

FD: Yes.

Me: Well, where is that \$550 casket listed on your Casket Price List? I'm not finding it. I see an unfinished wood box for \$650 and a grey cloth flat top casket for \$800.

FD: No, the flat top is \$700. But it doesn't matter because we don't offer it anymore.

Me: But I see it here.

FD: You must have an outdated list.

Me: It says Jan. 1, 2007.

FD: Oh, yes, that's right. \$800 for a flat top.

Me: So where's the casket for \$550. I don't see it.

FD: We have a 20 gauge one for \$1600. Do you see it?

Me: Yes. But where's the one for \$550?

FD: And there's an oval top for \$1,000. Do you see it?

Me: Yes, but where's the one for...

FD: Oh. So you must have the right price list.

Me: I'd like to know where the \$550 casket is listed!

FD: It's not. It's the one for \$1600 discounted to \$550.

Comment: As we have observed already, morticians may indeed discount (immediate burial) packages. On the other hand, as an FTC advisory opinion dated April 16, 1997 points out: "...as a general practice, if the cost of any item is discounted for all consumers, the discounted prices [sic] should be listed as the actual price." But more to the point: Would you care to do business with someone who balks at giving you a straightforward answer about the cost of his least expensive casket?

However all of this pales when matched to the tomfoolery unleashed when I expressed my desire for an immediate burial in the first place.

"An immediate burial?" scoffed one funeral director. "Oh, that's without a service," he emphasized disparagingly as he crinkled his nose in seeming disapproval. "That's typically for someone without any survivors...no spouse...no children...Only a lawyer who is putting someone's affairs in order would want an immediate burial."

I might have abandoned my wish—so persuasive was his demeanor—had I not been convinced of my right to choose only that which I wanted, according to the Right of Selection, the first disclosure on every GPL complying with the Funeral Rule.

The mortician continued:

“We’d do an immediate burial *at our convenience*.” This struck a chord because in our recent survey—and this was something I had not seen before—a handful of establishments had added to the description of immediate burial on the GPL itself—lest any consumer miss it—the phrase: “*at our convenience*.”

Still undaunted, though, I insisted on my right.

“For me,” I said with conviction, “an immediate burial is my only option because it is without embalming or a viewing, which I regard as a desecration of the body and a show of disrespect for the dead.”

The mortician’s face turned to ice as, with utmost precision, he fired back:

“There’d be no chairs or tent set up at the gravesite for an immediate burial, and there’d be just a short time before a backhoe would be used....” He leaned forward and looked intently at me, like a physician pronouncing a grim diagnosis: “It could be dangerous...Your family would have to stand at least 10 feet away—that’s a cemetery regulation!”

Was he correct?

I turned to a cemetery representative (“Cem Rep”) for information:

Me: Is it true, as I am told, that an immediate burial could be dangerous because of a backhoe at the cemetery?

Cem Rep: No. The only danger posed by an immediate burial is to the funeral director, who wouldn’t earn as much money because there’d be no embalming or viewing, and you’d probably pick a cheaper casket.

Me.: Could you tell me about the backhoe? When is it actually used?

Cem Rep: At the end. Here’s what happens: A cemeterian supervises as the casket is placed on a device which lowers it into the ground. Most people watch this, then leave. But for those who do remain, common sense says to stand a bit away when the backhoe fills in the grave. It’s really no big deal.

A representative at another cemetery had this to say:

“A backhoe is used to lower the lid of the outer burial container [into which the casket is placed for burial]. Because this lid could slip off and injure a bystander, we ask family members to move not 10—but 30 feet—away from the gravesite. But most people don’t bother to stay for this ...they just watch as the casket is lowered into the grave, then leave.”

Thus the funeral director, who, by the way, was not alone in his story about the backhoe (see the section “Beware the Backhoe” in our winter 2005 newsletter posted on our website)—was either ill informed or lying.

But I shouldn’t complain. I should rather be grateful. This backhoe-bluster prepared me for the worst: my wish for an inexpensive casket.

Whenever I expressed my desire to purchase a lower-cost cremation casket or a plain box (called an “alternative container”) to cut costs further for immediate burial, I was told—almost without exception—that these containers couldn’t be used because “they are not made to be carried.” Morticians rarely mentioned structural integrity; instead it was casket handles that mattered most. Here’s what I heard whenever I asked if I could use a cremation casket or alternative container for immediate burial:

“No, for immediate burial you couldn’t use a cremation casket because it isn’t designed to be carried long distances...*its handles are made of rope.*”

“No, a cremation casket wouldn’t work... *its handles are too large*...It wouldn’t sit properly in a standard outer burial container [into which a casket is placed to prevent the gravesite earth from sinking].

“No, you couldn’t use an alternative container because *it doesn’t have any handles*...It couldn’t be carried ...It’s only for rolling around on a cart.”

“An alternative container couldn’t be used for immediate burial because *it doesn’t have enough handles to be carried.*”

“No, for an immediate burial *we would only use a casket with handles*. It’s a safety issue. We wouldn’t want any accidents.”

In this last establishment I inquired further:

Me: Why isn't there the same concern when you use one of these containers to transport a body to the crematory? Wouldn't there be a similar risk of an "accident"?

FD: Oh, no. There's no law that says you need a casket for cremation. All that's required by the crematory is a cardboard box. So, for cremation, we work up from there.

At another mortuary the funeral director brazenly stated on his Casket Price List (CPL) that his alternative containers were "not intended for use outside the funeral home" or were "for identification purposes only." Limiting consumer choice in this way contradicts the Funeral Rule's first mandated disclosure, the Right of Selection, which informs customers of their right to select the goods and services they desire.

At yet another establishment I was told that I couldn't use an alternative container for earth burial because "ours are made of cardboard, and the cemetery wouldn't allow it." Curious, I probed further:

Me: How about the alternative container which I see on your Casket Price List for \$400? That's a lot of money for a cardboard box. Couldn't I use that one for immediate burial?

FD: Probably not. It's made of fiberboard, which might not meet the cemetery's requirements.

Me: What requirements?

FD: The casket would likely have to be made of metal if it's going to be placed in a mausoleum.

Me: Who said anything about a mausoleum? I'm not interested in a mausoleum!

FD: Well, I'd have to check with my manager. We never had anyone ask us about using an alternative container for earth burial....

Again I turned to cemetery representatives:

Me: I'm constantly told by funeral directors that any casket or container which I might use for earth burial must have handles for carrying. Is this true?

Cem Rep: No. A casket or container doesn't need to be carried at all...It's placed onto a gurney and taken from the hearse to the gravesite. The only reason funeral directors are telling you handles are necessary is because caskets and containers without them cost less, but they'd prefer that you spend more.

Me: I've also been told that the cemetery has restrictions on what one can be buried in. Is that correct?

Cem Rep: No, as far as we're concerned, you could be buried in a cardboard box. We have only three requirements for burial: land, an outer burial container [to

prevent the gravesite earth from sinking once decomposition sets in], and a monument or marker.

Me: One funeral director told me that some cremation caskets wouldn't fit into a standard burial vault. Is that true?

Cem Rep: No. The only possible problem with a fit would be if the casket were oversized. But we have oversized vaults for that.

I should mention here—and I am happy to report this—that in our survey there were four establishments which did indeed include, under the immediate burial entry on their GPL's, an option with an inexpensive alternative container costing \$125 or less, with one charging as little as \$45 for the container. None of these establishments was in a large metropolitan area, however: one was in western Maryland, another, close to the Pennsylvania border, and two were in our "environs," West Virginia and Delaware. The owner of one of these establishments told me that "handles aren't necessary; I place straps around the alternative container instead."

I also spoke with a mortician in Baltimore—one of a handful to acknowledge that "the choice of a casket is up to you"—who concurred that straps could be used instead of handles. "It may be more difficult to carry," he said, "but it can be done."

I'm still taken aback, however, by my conversation with one mortician in the metro DC area. He too acknowledged that "the choice of casket is up to you," but that's where his sincerity ended.

FD: You can choose whatever container you want. It's up to you.

Me: Oh, that's wonderful. I'm interested in a cremation casket for immediate burial. Could I have that?

FD (becoming agitated): No.

Me: But you just said I could choose whatever container I wanted.

FD: Yes, that's right. You could have a mahogany casket if you like...or a cherry wood...or a bronze...

Me: Oh, sorry for the misunderstanding. I was wondering about an alternative container or cremation casket for earth burial.

FD: (very agitated): Why are you wasting my time?

And the following practices were, in my opinion, maddening:

Two establishments in our survey forced consumers to sign an "FTC Disclosure/Disclaimer" form as proof that they were in compliance with the Funeral Rule, as one funeral director explained. But this is a slap in the face of every consumer and ludicrous: First, most buyers have never heard of the Funeral Rule; second, most—especially after the death of a loved one—have no idea what they

are signing; and third, forcing customers to sign such a statement is in itself a violation of the Rule: The FTC publication "*Complying with the Funeral Rule*" tells morticians: "You may not ... place any conditions upon giving consumers information that the Rule requires you to give to them." One funeral director who did this told me that she presents these signed forms to the State inspector every year. So, why, I'd like to know, has this practice not been stopped?

Also, along this line, one of the corporate chains has revamped its GPL's which now include the following statement:

"Upon signing this form you acknowledge and give our firm's representative permission to follow-up by means of telephone calls for the purpose of customer service, information update, and future purchases."

I have never seen anything like this: in return for a GPL—which is your right—you relinquish another of your rights—your privacy—by giving salespeople permission to bother you! This elevates the concept of "marketing" to a new high.

And here's a deviation that's like an autoimmune disease. It never fully disappears but keeps re-surfacing. In 1984, when the Funeral Rule took effect, it became illegal to tell consumers that caskets protected against gravesite substances when such was not the case. Even so, by 1988 the FTC had charged the Batesville Casket Company with making unsubstantiated claims about the length of time its caskets remained "protective." In her 1998 book, "*Caring for the dead: your final act of love*," Lisa Carlson noted that when it came to touting preservative qualities of caskets, "they've [morticians] managed to flout the spirit of the law with still-deceptive language."

Fast forward to 2007: two mortuaries in our survey, one in Baltimore and the other in Prince Georges County, prominently display on their GPL's the following notice—that their caskets are of two types—using exactly the wording which Lisa had targeted nine years ago:

"Protective: These caskets are designed by the manufacturer to resist the entrance of air, water, and other outside elements. They may be constructed of varying gauges of steel, copper, or bronze.

Non-Protective: These caskets are not designed by the manufacturer to resist the entrance of air, water, and other outside elements. They may be constructed of metal, hardwood, or wood products covered with fabric."

As Lisa writes: “One is tempted to imagine a casket maker sitting down with the designers and saying, ‘Make sure these won’t keep out air, water, or other elements.’”

In a press release at the time of its consent agreement with the Batesville Casket Company in 1988, the FTC pointed out that “non-protective” caskets were “substantially less expensive.”

And it’s worth inserting here that Jessica Mitford, in *“The American way of death revisited,”* relates details of a case won by attorney Melvin Belli: defense witnesses had to admit—contrary to industry claims—that so-called protective “sealer-type” caskets “if anything, hasten the process of decomposition.”

To return to our 2007 survey: the Baltimore mortuary with the statement-in-question on its GPL apparently wants to have its cake and eat it too. Beneath the assertion about its “protective” caskets there appears (in caps):

“THERE IS NO SCIENTIFIC OR OTHER EVIDENCE THAT ANY CASKET ... WILL PRESERVE HUMAN REMAINS.”

This underscores the absurdity of the protective claim in the first place. Why has the Maryland Board of Morticians and its inspector, charged with annual reviews of GPL’s (among other things), not intervened to ban this?

And here’s something else: Though the Funeral Rule permits only one nondeclinable fee, the basic services fee of the funeral director and staff, a handful of mortuaries in our survey levied a second, for “other preparation of the body” (washing, disinfecting, etc.) when there was no embalming. However the FTC publication *“Complying with the Funeral Rule”* tells morticians that they “cannot require the family to pay for ‘other preparation of the body’ if they decline embalming.”

Finally, I’d like to alert you to a disturbing trend, though not part of immediate burial, the focus of this newsletter. It concerns instead direct cremation, the other type of immediate disposition we covered in our survey. Perhaps you’ll recall from our spring 2006 newsletter (*“Mortuary Mischief”*) that some morticians may be using the Maryland law requiring identification prior to cremation as a lure to inflate the funeral bill. By stating—incorrectly—that the law requires an I.D. viewing at the funeral home, some may be goading families to spend more on a container into which to place the deceased for the I.D. viewing. (See the section entitled *“The Idea to I.D.—Too Much of a Good Thing!”* in our spring 2006 newsletter posted on our website.)

But now, for the first time, I'm seeing a small number of establishments that are adding the following phrase to their description of services for their direct cremation package: "preparation of remains for identification required by Maryland law," or "preparation of remains for state mandated identification." In my opinion, this is misleading, for it gives the impression that "preparation of remains"—and its fee—are required by Maryland law. Of course, you can reject the package (with its "preparation of remains") altogether by selecting services ala carte instead, though, from what I have seen thus far, direct cremation packages are cheaper.

But my point here is to alert you that no law mandates an I.D. viewing at the funeral home, and that even if such were prudent (for instance, if the deceased were transferred from the medical examiner's office), you cannot be forced to pay charges for "preparation of remains for I.D. viewing." In an FTC advisory opinion dated Oct. 31, 1997, Laurie M. Meehan, an FTC attorney at the time, cites Section 453.3(d)(1) of the Funeral Rule, which states that "it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws ... require the purchase of any funeral goods or funeral services when such is not the case. Moreover, she continues, the Funeral Rule permits only one nondeclinable fee, the basic services fee, and—if not required by state law—and she notes that "FTC staff is unaware of any state law requiring that an identification be purchased as a service or good from a funeral home"—then forcing payment of such a fee is illegal.

Finally, let me close this newsletter by recounting a conversation I recently had with a local mortician, for I'd like to leave you with an important fact, namely, that the funeral transaction is—first of all—a business deal. Once you grasp this, then the conversation which follows won't surprise you a bit: though the funeral director's words are insensitive, even callous, his ideas and thoughts are remarkably predictable.

FD: Are you planning a funeral for a loved one?

Me: Yes.

FD: Is it your spouse?

Me: (I am silent.)

FD: (He looks away.) I can't imagine what it must be like to lose a spouse. I mean, when two people have spent so many years together. It must be awful...Of course, every person's relation is different, but I know that for me it would be terrible...

Me: (I feel ill.)

He hands me a General Price List (GPL) and begins explaining the costs for a "traditional" funeral with embalming and viewing.

Me: I'm not interested in that. I want an immediate burial.

FD: But is that what he wants?

Me: (I can barely speak.) Yes.

FD: Are you sure? You know, if it was me, I'd tell my wife the same thing. I'd want the cheapest. But that's not what she would want...that's not what my family would want. What do **you** want? Remember: a funeral is for the living!

Me: (on the verge of tears) I...he...we... want an immediate burial.

FD: You know, with an immediate burial they'd put him quickly into the ground. There wouldn't be much time at the grave...no chairs would be set up...there wouldn't be a tent. There wouldn't be a ceremony either. Once his body is lowered into the ground there'd be a backhoe rather quickly...It could be dangerous for you. Is that what you want? Are you sure that's what you really want?

Comment: Here you have it in a nutshell. The mortician will always have an advantage, for his customers are distraught. So remember right from the start: The funeral director is neither a clergyman nor counselor but a businessman. For him—the focus of the funeral transaction—is profit.

Conclusion: Now that you've seen the shenanigans uncovered in our recent survey, what can you do? First, know your rights. Consumers unaware of the Funeral Rule and its mandates leave themselves vulnerable to manipulation and deceit. Study our website (www.mdfunerals.org), especially the section on "Your Rights" and examine our "Links" page to access resources such as the FTC publication "*Complying with the Funeral Rule*" (which can also be ordered in hard copy by phoning 1-877-FTC-HELP). Second, comparison-shop with a clear mind beforehand to get an idea of pricing strategies. Third, whenever a funeral director mentions a law, ask to see it in writing. When he or she speaks of a cemetery or crematory regulation, explain that for verification you will contact the cemetery or crematory—then do so! Fourth, always double check the mortician's math. And fifth, never purchase a funeral alone. Make sure a friend or family member—preferably someone who has at least glanced at our website—will accompany you.

For our part, we have written to the executive director of the Maryland State Board of Morticians, responsible for oversight of our funeral industry—to report our findings and request that Funeral Rule deviations of this sort be eliminated in the future. (A copy of this letter is included in this packet.) Additionally, a copy of this newsletter has been sent to the FTC.

For the sake of our loved ones, let's hope that responsible officials see the gravity of this report and take effective action.

Note: Dialog in this newsletter was written from memory and from notes taken during and immediately after conversations.

