

Letter re: Rule v. State law (LA)
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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Marketing Practices

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VIA FACSIMILE AND REGULAR MAIL

May 25, 1998

Michael H. Rasch, Esq.
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Dear Mr. Rasch:

I apologize for the delay in responding to your inquiry. I appreciate your concern regarding the interaction of the Federal Trade Commission's Funeral Rule and the state laws of Louisiana.

First, as a matter of background, an essential purpose of the Funeral Rule is to "ensure that consumers have access to sufficient information to permit informed purchase decisions, that consumers are not required to purchase items they do not want and are not required by law to purchase and that misrepresentations are not used to influence consumer purchase decisions." Statement of Basis and Purpose, Funeral Industry Practices Trade Regulation Rule, 59 Fed. Reg. at 1593 (January 11, 1994) (reprinted from the 1982 Statement of Basis and Purpose). As you know, the Funeral Rule governs the activities of funeral providers, who are defined as entities that engage in the sale of both funeral goods and funeral services. In summary, the Funeral Rule: (1) requires funeral directors to provide consumers with a general price list, a casket price list, an outer burial container price list and an itemized statement of funeral goods and services selected by the consumer; (2) prohibits misrepresentations regarding embalming, casket or outer burial container requirements, legal and cemetery requirements, and protective value claims; (3) prohibits funeral directors from requiring the purchase of certain goods

