



Channel Cities Memorial Society, Inc.
(A Nonprofit Educational Organization)

P.O. Box 1778, Ojai, CA 93024

(805) 640-0109 / 1-800-520-PLAN or 1-800-520-7526

Member California-Hawaii
Federation of Memorial and
Funeral Societies, Inc.

Internet:
WWW.FUNERALS.ORG/FAMSA/CHANNEL.HTM

Member Funeral and
Memorial Societies of
America, Inc.

031

June 22, 1999

Please address
appropriate person:

Barbara Smith, Executive Secretary, P.O. Box 1778, Ojai, CA 93024 Phone 805-640-0109



Board of Directors:

- John Buchanan**, President, Telephone: 805-659-2647
- Edyth Wagner Roop**, Financial Vice President, Telephone: 805-646-8570
- Raymond O'Connor**, Outreach Vice President, Telephone: 805-564-3550
- Howard Landon**, Treasurer, Telephone: 805-646-0451
- Helen Farmer**, Recording Secretary, Tel.: 805-643-0105
- Eleanor Buchanan**, Telephone: 805-659-2647
- Robert Casier**, Telephone: 805-969-3129
- Carolyn Cogan**, Telephone: 805-964-6148
- Arlou Mashburn**, Telephone: 805-646-1713
- Mercille Wells**, Legislative Rep. Telephone: 805-373-5190



Local Reference Panel:

- Ashleigh E. Brilliant**
Environmental Advocate
- Harold Conklin**
Former Mayor Sta. Barbara
- W.L. Hammaker**
Consumer Advocate
- Rev. Virgil Nelson**
Consumer Advocate

FAMSA References

- Margaret A. Dixon**
President AARP
- Frederick Edwards**
Executive Director
American Humanist Assoc.
- Robert Fulghum**
Author *From Beginning to End*
- Karen Orloff Kaplan**
Executive Director
Choice in Dying

Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue
Washington, DC 20580

ORIGINAL



Regarding 16 CFR Part 453

Dear Secretary,

The original and five copies of my comments are enclosed, along with a copy of your Request for Comments Concerning Trade Regulations Rule on Funeral Industry Practices. I have listed my comments by number, in the order of your requests.

I've discussed my comments with the other members of the board of our Memorial Society, and they approved them. However, some of the board members did not take the time to completely review them, and for that reason I'm submitting them as my personal comments.

For the past three years I've visited the nineteen mortuaries in Ventura County, in February, to collect their General Price Lists. I based my answers to your questions on what I observed during those visits.

Sincerely,

Mercille Wells
Legislative Representative

Home address: 463 Arbor Lane Ct., #107
Thousand Oaks, CA 91360-7202

Phone: (805) 373-5190

E-mail: mercillew@msn.com

Helping People In Santa Barbara And Ventura Counties To Plan
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16 CFR PART 453

ITEM B - Issues for Comment: FAMSA's request that the Commission consider making amendments to the Rule for: 1). About the non-declinable fee, I think it probably should be eliminated, and replaced with itemized basic services charges, but I'm not sure how eliminating the non-dec will affect charges for other services, for the businesses will surely raise prices to make up for that loss. 2). I don't think the price for private viewing without embalming is necessary, as the price for that viewing should be the same as the price for viewing of an embalmed body. The price for a body donation to a medical school sounds like a good idea, but I didn't know there was any charge for that, except perhaps a transportation charge. As for the price for the cremation process itself, I suppose that means separate prices for transportation to and from the crematory and for the cremation container, and I don't see that that's necessary. And most of the funeral providers in our area already list the price of rental caskets on their GPLs. 3). I don't see that it's necessary to include the cost of the cremation itself in the direct cremation charge. The more changes the funeral providers have to make, the more they're going to raise their prices. 4). I'm not sure about this one, for I don't think I fully understand it. Does this mean funeral providers up the price on anything paid for in advance by cash, or does it mean something can be marked-up after it has been paid for by cash? 5). I vote for that one, as I think cemeteries, monument dealers, and especially casket sellers should be covered by the Rule. (A big conglomerate buys a neighborhood mortuary, and also buys the casket store across the street. He/She will most likely be able to steer casket purchasers to his/her mortuary.)

- 1. The Definition of "Funeral Provider"** - Ditto above. Yes, I think the Rule should be changed to include casket stores, sellers of monuments, and cemeteries under the definition of "funeral providers."
- 2. Casket Handling Fees Clarification** - I really think consumers should have to take some responsibility. If the government requires funeral providers to "unbundle," as they're doing now, I think, then the providers will just raise their prices in other places to offset that trouble. Whether we like it or not, that's business. What I'm saying is, if a consumer chooses to buy a casket at a casket store, then the funeral provider should not be required to sell that consumer a package. The provider can price each item and service individually, and no "unbundling" would be required, if I understand this correctly. Then the providers could list on their GPLs, under packaged funerals or cremations, that those prices apply only if the casket is purchased from the provider. That might give the providers a way to compete with the casket sellers. **But**, I believe that might violate a rule already in place, as that probably would be conditioning the "purchase of any funeral good or services upon the purchase of any other funeral good or service."
- 3. Non-Declinable Fees Currently Allowed** - My answer to this is the same as the one above under FAMSA's request that the Commission make amendments. The non-dec probably should be eliminated, but how much will that save the consumer? It's my opinion the consumer will have to pay just as much, not in casket prices, as the providers have to compete with casket retailers, but for other things, such as embalming, viewing, transportation, etc., and, the consumer will probably have to pay a little more to offset the charges for taking off the non-dec and revising the other charges.
- 4. Revision of the "General Price List"** - As I stated under FAMSA'S request above, I see no benefit in a separate charge for viewing of an unembalmed, as the charge for viewing should be the same as that of an embalmed. While I don't think there should be any charge at all for a willed body to a medical school, if there is a charge it should be listed. When a person wills her/his body, I really feel the medical schools should pay whatever costs that incurs. Perhaps that might be an incentive for people to donate their bodies. As I stated above, I don't think it's necessary to list the individual cost for the cremation process. If a crematory ups their prices, the funeral provider will have to print new GPLs right away, and who do you think will pay for that printing? As it is, if the crematory raises prices, perhaps, just perhaps, the provider might not change the charge for a cremation until it's time to print new GPLs. And here's a comment on the length of the price lists: They're too long; they require too much paper. But I don't think that can be regulated.

- C. Request for Comment:** 1). Yes, there is a need for the Funeral Rule, especially in states (if any exist) that do not regulate the funeral industry. a). By requiring providers to make GPLs available to consumers, it makes it illegal for them to up the prices when a grieving family comes in, and illegal to try to sell them goods they don't need and wouldn't think of buying if they weren't in a state of grief. b.) No doubt, but the benefits outweigh the costs.
- 2). Expand it to bring cemeteries, monument sellers, and casket sellers within coverage of the Rule, and add the price of rental caskets to the GPLs in case that's not already required in all the states, and ask the teaching universities to assume any cost for willed bodies—if that's accomplished, that info should be included on the GPLs. a.) No cost to funeral providers for bringing cemeteries, monument sellers, and casket sellers under the Rule (except for those funeral providers that also own casket stores); minor costs for adding rental caskets and/or info re/willed bodies to the GPLs.
 3. I can't give a complete answer, but it seems obvious to me that the providers must consider it a burden to have to pay for price lists to make available to consumers, although that's something they should be doing without being forced to. I believe the Rule is absolutely necessary if the laws of any of the states do not require price lists. a) To some, for their competitors cannot legally jack up their prices when grieving consumers come in. Perhaps there are more benefits for the providers, but I think the Rule was meant to benefit consumers, not the providers. Is that right?
 4. Well, none.

- 5. Yes. In California it overlaps regarding price lists, but I think the Rule should also require price lists in case new state laws change the requirements regarding price lists. There also might be an overlap regarding what funeral providers can legally tell consumers about caskets preserving bodies, etc. But the Rule needs to stay in place on those things, too.
- 6. Can't say.
- 7. Very few. Same as the big corporations, there's a small burden for making price lists available.
 - a). I can't see that there is a difference. Small businesses can minimize the costs of making price lists available by hiring one office person to type the lists and run them off on a copier. Large businesses might employ more people, but then they, because of their size, have more income to pay more employees.
- 8. The only difference would be, the small businesses probably would not spend the money to pay for price lists to give to all who come into their businesses if there was not a law that tells them they have to do that. However, the small businesses *should* do that if they were bound only by what you deem to be "standard and prudent business practices."
- 9. The same Rule should apply to all funeral providers, both large and small. So, no changes should be made to favor small businesses. Regarding this, I ask, are consumers who use small funeral providers not deserving of the same services (brought about by the Rule) as consumers who use large funeral providers?
- 10. It has given them a choice, a chance to get the most for their money. According to articles in newspapers of late, and to stories on TV, more and more consumers are shopping for funeral goods and providers before they buy.
- 11. a). My answer is above, in number 10. b). Ditto a). c). It has given consumers a way to fight back. They can report such injurious misrepresentations to the FTC, and bring action against the injurious funeral provider. d). Prevents providers from embalming those who don't want it, and especially when embalming is not necessary, such as bodies that are to be cremated. e). I'm not sure about this one. I mentioned this in one of my answers above. I'm not really sure that this part of the Rule should be in place, as it might not save the consumer that much money. For instance, if the family of the deceased had planned to buy a casket from a casket seller instead of from the funeral provider, and the funeral provider offers the funeral service in their chapel, at the price on the GPL, but says they'll include a live organist instead of taped music, and throw in an extra man-in-black, so there will one at the door to greet people and another to seat them, and perhaps a few other perks that can be done without changing anything on the GPL, providing the consumer will purchase a casket from him/her, I think that would violate the Rule. But should it? Is this part of the Rule too rigid? Perhaps I'm not thinking of things that could happen without it.
- 12. & 13. I cannot answer.
- 14. a, b, c, & e, I cannot answer. d.) Regarding mergers, the big corporations have bought many independently owned, family owned, and small chains of funeral providers.
- 15. Can't answer the first question. Answer to the second question is, yes, the Rule should be amended to include within its scope unfair and deceptive practices by crematories.
- 16. In the area where I live, most of the nineteen mortuaries I visited in 1998 and again in February, 1999, comply with the Rule. I'd say at least 85% comply.
- 17., 18., 19. & 20. I don't know the answers.
- 21. No.
- 22. Yes and yes. a. & b. I can't answer those questions.
- 23. No. a). All rules should apply to all providers.
- 24. I believe my answers to these questions can be found somewhere above.
- 25., 26., & 27. I don't know the answers.
- 28. No. a). My answer is somewhere above. 1.) No. The price should be the same as viewing for an embalmed body. 2). Yes, if there is a charge. I believe the medical school should pay for that; that might be an incentive for more people to will their bodies. 3). I think so. No, I don't think it's necessary to itemize the charges for direct cremation. 4). a). Yes. b). I can't think of any. c). My answers to that are somewhere above. d). There would be some costs to providers; as to the benefits to consumers, I cannot say since I don't know what the changes would be.
- 29. No, I believe all consumers should receive equal treatment. c). I believe that I would probably be able to distinguish between preneed and at need from the demeanor of the persons, but I don't know about others' perceptions.
- 30. I'm sure there are, as I've heard stories. Some people are told that they need to "pay now," and for different reasons. I don't know how those practices can be remedied. Perhaps consumers should be warned to watch out for such things, but some people, especially the elderly, are easily taken. If consumers could be educated about the industry so they would realize that funeral providers are businesses, just like used car dealerships, that might make a difference. How about a TV ad? The TV ads I've seen all portray funeral providers as loving, caring persons with only one motive—to take care of the aggrieved in their time of need. Undertakers should be shown as real people, trying to make a living. Why not use television to educate consumers?

Mercille Wells

463 Arbor Lane Ct., #107, Thousand Oaks, CA 91360-7202
(805) 373-5190 c-mail - mercillew@msn.com