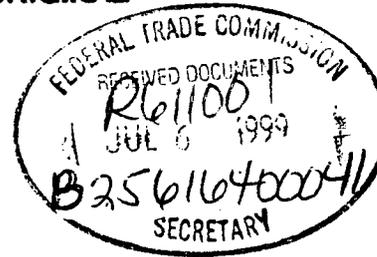


ORIGINAL



July 3, 1999

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

Re: 16 CFR Part 453

To Whom It May Concern:

To its dismay, the funeral industry has, albeit reluctantly, finally recognized the American public as an influential, if not formidable audience. The uninformed, trusting, reliant group the death care merchants have preyed upon for years is slowly fading into obsolescence. Funeral service providers seem to be defending their business strategies and tactics at every turn and with increased regularity are prone to whine, complain and cry foul when confronted in the court of public opinion. The unrelenting media and a very inquisitive public are viewed as undesirable allies by the profession. Intense scrutiny of industry practices and personal experiences of abuse are surfacing in newspapers, journals and even funeral trade publications as well as appearing on evening news documentaries. The shrouded, age-old secrets of the mortician have been unveiled and the sanctity of the funeral business is not quite what we have been led to believe. The ever-increasing number of educated, well-informed consumers will continue to cast a suspicious eye upon the industry until acceptable reform is realized.

The impending review of the Funeral Rule is quite timely. We can only hope additional support and manpower are allocated following this session which will result in escalated enforcement and total compliance by funeral service providers.

Regarding the issues, Virginia representative Thomas Bliley, Jr. R-7th, professes to support competition but insists the playing field needs to be leveled (Richmond Times Dispatch, 6/21/99). Contrary to Mr. Bliley's skewed perspective, his proverbial playing field is indeed at a fair pitch rather than dramatically slanted in favor of the funeral industry as was the case prior to enactment of the Funeral Rule in 1984. Positioning the consumer on common ground has obviously become a contentious issue and created a great deal of consternation among industry mavens. Mr. Bliley may wax of fairness and free enterprise, but with an all too familiar spin and typical anti-consumer mentality, his interests are coveted by only himself and his funeral industry constituents. While

inferring that "some very non-traditional kinds of businesses" are not worthy of or will provide some perceived unfair competition, Mr. Bliley has failed to notice that the "traditional (funeral)-business" has been transformed into a vocation of greed, contempt and deception.

Few other industries are so preoccupied with concealing their costs, operating expenses and profit margins on one hand and demanding full disclosure and remuneration from competitors on the other.

Revising the current casket handling fee will only perpetuate further victimization of the bereaved consumer who is already contributing to the ludicrous 300 to 700 per cent casket markups routinely charged by funeral service providers. The sole objective of the proponents in soliciting a casket handling fee is merely to garnish yet another unjust and undeserved profit for doing absolutely nothing for their clients.

The funeral industry refuses to accept responsibility for giving life to competitive forces spurned from their own greed and which now have become their nemesis and welcome alternative for the consumer. Funeral service providers contend they are being done a great injustice by permitting competitors to enter their self-anointed realm of deity. Truth be known, the real victims are the over 2 million families who each year must rely on the contemptuous, unconscionable, self-serving antics of the funeral "professional".

The "non-declinable" or professional service fee is representative of nothing more than, to borrow a Brokawism, another fleecing of the American public. In this instance however, the naivete of the unprepared and unsuspecting consumer is compounded by unprecedented emotional strife. The non-declinable fee, if not totally eliminated, merits consideration for stringent control.

The NFDA assures us the average professional service fee is less than \$1,100. A handsome hourly rate indeed for tasks which can competently be completed in two hours and entail little more than entry-level clerical skills. If the NFDA stands behind its conviction of honesty and integrity for a grieving America, perhaps it would be in the best interest of all to "cap" the non-declinable fee based on the association's annual survey. I would highly recommend however, that an independent accounting firm be retained for tabulating and reporting their results.

To further understand the attitude of the funeral industry toward the consumer, one need only peruse the *Funeral Industry Insider*, Vol. 23, No. 40, 11/2/98. An NFDA funeral director recommends his colleagues: "be ruthless: cut stale giveaways and raise charges in addition to your non-declinable fee to boost your bottom line." Is there any doubt his business philosophy is based on compassion and empathy?

Most recently the same "savvy owner" can explain to his colleagues via audio cassette how to generate a preposterous \$3,900 per cremation call. For the benefit of the unaware, crematory charges and medical examiner fees seldom exceed \$210.

In closing, it is indeed a sad commentary that so many funeral service providers have so little difficulty prostituting their own moral and ethical responsibilities at the expense of those who have suffered a personal loss for the sake of ill-gained profits.

Although their numbers to date are limited, in fairness to those true funeral professionals with whom I have worked assisting with "pre-need" and "at need" situations, I sincerely hope they continue to provide their services with compassion, integrity, honesty and fairness; maintaining the truly humanistic qualities which once were the benchmark of the industry.

Sincerely,

A handwritten signature in cursive script that reads "William R. Noto". The signature is fluid and elegant, with a long, sweeping tail on the final letter.

William R. Noto
Chief Operating Officer