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16 CFR Part 453

July 29, 1999

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

To Whom It May Concern:

As president of a professional trade association of independently owned funeral homes, I represent the viewpoints of over 1200 funeral home owners. Revisions to the Federal Trade Commission's Trade Regulation Rule on Funeral Industry Practices ("The Funeral Rule") will have a direct impact on the way our members serve families and market their businesses. Please consider the following points when determining specific revisions to "The Funeral Rule."

Definition of "Funeral Provider"

Expanding the definition of "funeral provider" to include casket retailers and cemeteries is essential for providing consumers with consistent information. Casket retailers, in particular, attract customers to their facilities based entirely on competitive pricing, yet they are not required to provide pricing information. Consumers have no reasonable basis on which to compare prices among funeral homes, casket stores, and cemeteries.

Casket Handling Fee

Funeral service has become a highly competitive business. Prohibition of a casket handling fee is inconsistent with that of many other professions. For example, many automobile repair shops will not install parts purchased from their competitors. Meeting facilities prohibit conference planners from using audio-visual equipment rented from another meeting facility. A casket handling fee is a normal way of protecting a business from its competition. Consumers have the choice of accepting this handling fee or purchasing a casket at the funeral home where they want to have funeral services.

Non-Declinable Fees

Most families have little awareness of how many details must be arranged when planning a funeral. A basic service fee assures a family that the funeral home staff will take responsibility for all aspects of planning a funeral.

“Unbundling” the service fee places an unrealistic burden upon a family to determine which tasks are necessary for successfully creating a meaningful funeral or memorial service. Details often overlooked by families include: filing death certificates, scheduling the opening of a grave, placing obituary copy in newspapers, assigning traffic monitors for automobile processions, ordering memorial folders, and arranging floral displays, to name only a few of the many required tasks.

Defining service limitations is not a practical concept for funeral service where the funeral provider must respond to any number of situational factors within a severely restrictive time schedule. If the FTC determines that service fees should be itemized, funeral providers must at least have the ability to identify services as “declinable” and “non-declinable” to emphasize the importance of specific details.

General Price List

The General Price List has become a valuable tool for distributing product, service, and pricing information to families. No significant revisions are required.

Conclusions

Independently owned funeral homes face many formidable struggles. While government regulations protect consumers from deceptive practices, they should not present unfair obstacles to competition. Broadening the definition of funeral providers to include casket retailers and cemeteries will level the playing field with regard to pricing information. Allowing a casket handling fee aligns funeral providers with a competitive spirit consistent with many other industries. A non-declinable service fee assures families that a funeral provider will complete all details of a funeral. The same set of rules for all funeral providers will enable independently owned funeral homes to continue their multi-generational history of caring for families.

Public Forum Representative

OGR welcomes the opportunity to participate in the public forum that the FTC will hold to review comments received. Please contact Mark Allen, director of education, at 314-209-7142 for specific information.

An OGR representative will provide the perspective of the independent funeral home in the United States. No one else will possess more knowledge about the daily functions of funeral home personnel when dealing with families.

OGR is in favor of responsible enforcement of guidelines that protect consumers from fraudulent practices. It is our hope that these guidelines are fair not only for consumers but also for funeral providers.

Thank you for considering these comments as you establish revisions for "The Funeral Rule."

Sincerely,

A handwritten signature in black ink that reads "Tom Stradling". The signature is written in a cursive style with a large, looping initial "T" and a long, sweeping underline.

G. Tomlinson Stradling III
President
The International Order of the Golden Rule

cc: International Order of the Golden Rule Board of Directors