



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of
Marketing Practices

October 3, 1994

Chan Tysor, President
Celestis, Inc.
3731 Purdue
Houston, TX 77005

Dear Mr. Tysor:

Your letter to attorney Mary Feinstein of September 19, 1994 requests an opinion as to whether or not the Funeral Rule, 16 C.F.R. Part 453, would be applicable to the business activities of Celestis, Inc. Ms. Feinstein and I are staff attorneys assigned to Funeral Rule enforcement. In your letter, you state that Celestis will offer the service of launching human cremains into space. Celestis will have no contact with deceased human bodies and will not offer cremation services. A person's local funeral service provider would cremate the body and send the cremains to Celestis, which would reduce all or a portion of the cremains through its reduction process and then encapsulate the cremains in an individual capsule and launch them into space.

The Funeral Rule only applies to "funeral providers," which the Rule defines as those who sell or offer to sell both funeral goods and funeral services to the public. "Funeral goods" are those sold or offered directly to the public for use in connection with funeral services, and "funeral services" are any services which may be used to: (1) care for and prepare deceased human bodies for burial, cremation or other final disposition; and (2) arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies. 16 C.F.R. § 453.1. A copy of the Funeral Rule is enclosed for your future reference.

Based on the information provided in your letter and the definitions cited above, the Funeral Rule does not apply to the services to be offered by Celestis, Inc. Please be advised that the views expressed in this letter are those of the FTC staff. They have not been reviewed, approved, or adopted by the Commission, and they are not binding upon the Commission. However, they do reflect the opinions of those staff members charged with enforcement of the Funeral Rule.

Very truly yours,
Thomas A. Cohn
Thomas A. Cohn
Attorney

Enclosure