

FEDERAL TRADE COMMISSION
WASHINGTON, D. C. 20580

BUREAU OF
CONSUMER PROTECTION

August 8, 1984

Thomas E. Baddley, Esq.
Massey, Baddley, Cockrell & Dickerson, P.C.
623 Red Lane Road, Suite 200
Birmingham, Alabama 35215-8297

Re: Trade Regulation Rule Concerning Funeral
Industry Practices, 16 CFR Part 453.

Dear Mr. Baddley:

This is in reference to your letter dated July 26, 1984, in which you requested staff's opinion regarding two issues raised by your client, Douglas R. Massey. Specifically, Mr. Massey inquired whether a funeral home/mortuary can refuse to accept a funeral because the family has purchased a casket from a third party. In addition, Mr. Massey asked whether a funeral home/mortuary can refuse to accept delivery of a casket from a third party. Please note that the views expressed in this letter are those of the staff only. They have not been approved or adopted by the Commission and are not binding on the Commission. They do, however, reflect the opinions of the staff responsible for enforcement of the Funeral Rule.

Section 453.4(b)(1) of the Commission's Funeral Rule prohibits funeral providers from requiring consumers to purchase any good or service as a condition of purchasing any other good or service. The only exceptions are:

- (1) goods and services required by state law; and
- (2) services of funeral director and staff.

Thus, in my opinion, it would be a violation of the Rule to engage in the acts or practices raised by your client if the funeral home/mortuary was attempting to require that the consumer purchase a casket as a condition of providing the other goods or services requested. This opinion does not address whether the acts or practices would violate any other funeral, state, or local law.

I hope this information is useful to you. Please let me know if I can be of further assistance to you.

Very truly yours,

Lewis Rose
Lewis Rose, Attorney
Funeral Rule Coordinator
Division of Enforcement