

FEDERAL TRADE COMMISSION

WASHINGTON, D. C. 20580

BUREAU OF
CONSUMER PROTECTION

March 18, 1985

George W. Lemke, Executive Director
Casket Manufacturers Association of America
708 Church Street
Evanston, Illinois 60201

Re: Trade Regulation Rule Concerning Funeral Industry
Practices, 16 C.F.R. Part 453.

Dear George:

This letter will confirm our telephone conversation of March 15, 1985, during which we discussed the issue of whether or not funeral providers can refuse to service consumers who provide their own caskets. I am pleased to provide you with my views on this issue. As you know, the opinions expressed in this letter are those of the staff only. They have not been reviewed or adopted by the Commission and are not binding on the Commission. They do, however, reflect the views of the staff responsible for enforcement of the Funeral Rule.

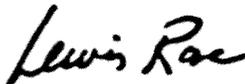
As we discussed, Section 453.4(b)(1) of the Funeral Rule prohibits funeral providers from conditioning the sale of any funeral good or service upon the purchase of any other funeral good or service. The only exceptions are:

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

In addition, funeral providers may refuse to comply with a consumer's request for a combination of goods and services that is impossible, impractical, or excessively burdensome to provide. In staff's opinion, refusing to service consumers who provide their own caskets would violate Section 453.4(b)(1) of the rule. Such a request is not impossible, impractical or exceedingly burdensome to comply with.

I hope this information is helpful to you. I will contact you when the Commission authorizes the release of the final staff state exemption guidelines.

Very truly yours,



Lewis Rose, Attorney
Funeral Rule Coordinator
Division of Enforcement