



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

Division of Marketing Practices

Laurie Meehan
Attorney

Direct Dial
202-326-3755

VIA FACSIMILE AND U.S. MAIL

January 14, 1997

William T. Steele, Jr.
Family Funeral Services and
Casket Gallery
207 Burns Lane, S.E.
Winter Haven, FL 33884

Dear Mr. Steele:

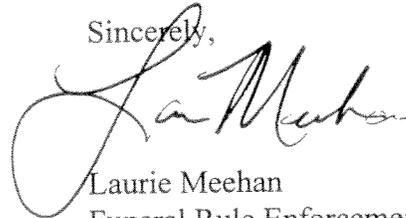
Thank you for your letter of December 4, 1996. I apologize for any delay in responding. In your letter, you request a staff opinion on whether it is a violation of the Funeral Rule for a funeral director, in circumstances where a person or family purchases a casket from a third party casket seller, to refuse to accept delivery of a casket sent directly from a casket manufacturer.

Under Section 453.4(b)(1) of the Funeral Rule, a funeral provider cannot condition the furnishing of any funeral goods or services upon the purchase of any other funeral good or service (except as required by law or otherwise permitted by the Rule). If a funeral home refuses delivery of a casket in order to condition the furnishing of funeral arrangements upon the purchase of a casket, it is in violation of Section 453.4 (b)(1). However, your letter fails to state the alleged basis for the funeral home's refusal to accept delivery of the casket. Note, though, previous staff opinions state that unreasonable burdens placed on a consumer's choice of casket may be tantamount to a violation of Section 453.4(b)(1).

I hope that this information is helpful towards resolving your problem. In addition, I have enclosed a copy of the FTC publication Complying with the Funeral Rule to provide you with assistance.

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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laurie Meehan". The signature is written in black ink and is positioned above the printed name.

Laurie Meehan
Funeral Rule Enforcement Staff

Enclosure