



FUNERAL CONSUMERS ALLIANCE

Protecting a consumer's right to choose a meaningful, dignified, and affordable funeral since 1963

Fall, 2005

A Federation of Nonprofit Funeral Information Societies

Volume 9, no. 3

FCA Convention 2006 — Bluegrass and BBQ in Austin

Mark your calendars — the 2006 FCA National Biennial Convention is set for June 1–3, 2006 in Austin, Texas! With the help of the dedicated volunteers at the Austin Memorial and Burial Information Society (AMBIS), we've put together a program sure to energize you with great ideas to take back to your FCA affiliate.

The event will take place at St. Edwards University in Austin. The campus is just a 10-minute ride from the airport, and has everything you'll need for a comfortable three-day stay. Attendees will stay in brand-new on-campus housing (and it's *nice* — these aren't your dad's dormitories), and there's even a campus convenience store with everything from toothbrushes to notepads.

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Schedule of Events (subject to change)

June 1, Thursday

Registration

Meeting of Outgoing FCA Board

Outdoor Reception and Buffet —
Barbecue and Bluegrass

June 2, Friday

Breakfast

Welcome

State of the Alliance — Outgoing President Gere Fulton

FCA National: What Have We Done For You Lately — Executive Director Joshua Slocum

BREAK

Caskets and Competition — Kerin Coughlin, Constantine-Cannon Attorneys at Law

LUNCH

Being Green — Billy Campbell, founder of Ramsey Creek Preserve, the first "green cemetery" in the U.S

BREAK — Visit the bookstore

SMALL GROUP SESSIONS

a. **Bringing Funerals Home** — Jeri Lyons, Final Passages

b. **Telling FCA's Story** — Jessie Sandler, FCA of Tucson Speakers' Bureau

c. **Lobbying: Yes, It's Legal, Yes, You Can, and Yes, You Should!** — Ray Gurney, FCA of Milwaukee

d. **Funeral Consumer Advocacy: Making a Difference Locally** — Speaker TBA

Open Mic — Share your story

Night Out in Austin (on your own)

June 3, Saturday

Breakfast Announcements

Pushing Back on Wall Street Deathcare — Steve Wolens, Esq., Baron and Budd Attorneys at Law

BREAK

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Repeat Small Group Sessions

Competition Comes to Town — Robert Falcon, Funeral Director

LUNCH

Open Mic — Q&A with the FCA Board

Free Time

Cocktails

Banquet — Keynote Speaker TBA

Watch your mailbox for more details and a registration form early next year! And visit St. Edwards' Web site at www.stedwards.edu.

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Notes From the Board

The Funeral Consumers Alliance Board met November 4 and 5 in Tucson, Arizona, and took the following actions:

- ♦ **Change to Bylaws** — To save on travel costs and to make the Board's work more efficient, the FCA Board of Directors has been reduced in size from 12 members to nine.
- ♦ **Biennial Convention** — The Board approved the program and speakers for the next national convention of FCA affiliates in Austin Texas (see prior article).
- ♦ **Budget** — The Board adopted a \$214,000 operating budget for 2006 (for a detailed budget, email fca@funerals.org).
- ♦ **Affiliates** — FCA will send letters of warning to several affiliate groups that have failed to make adequate dues payments

and to return their annual surveys. Delinquent affiliates will have 60 days to comply before they will be dropped as affiliates in good standing with FCA.

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Wonders of Technology

Calling all FCA affiliates — you asked and now you shall receive. FCA's 30 tri-fold brochures, such as Cremation Explained and How to Read a General Price List, are now available electronically. The brochures are in Adobe .pdf format, and are laid out so they'll correctly print as tri-fold brochures from your home or office computer. No more waiting for paper master copies in the mail! Visit www.funerals.org/faq/pdfs.htm

Update on FCA's Antitrust Lawsuit

FCA's class action lawsuit against the three largest funeral companies and the largest casket manufacturer has been moved to U.S. Court of the Southern District of Texas, Houston Division. Judge William F. Alsup of the Northern District of California, made the ruling on September 23, 2005. The suit is still in its early stages, and the schedule for litigation has not yet been set.

FCA, along with several individual consumer plaintiffs, filed the suit on May 2, 2005. We allege that Service Corporation International, the Alderwoods Group, Stewart Enterprises, and Batesville Casket Company, conspired to shut out competition in the casket sales market to keep prices artificially high. To read the original com-

plaint, which includes details and specific allegations, visit: www.funerals.org/ClassActionPR.htm.

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Legislative Watch

Iowa — A staffer from the **Iowa Board of Mortuary Science** called the FCA national office in September to report they are putting forward a **designated agent for body disposition** proposal for legislative review in 2006 (see below under "Ohio" for details on such laws). No more information was available at press time.

New York — The **FCA of Long Island/New York City** sends along this report on their regulatory efforts:

"In January, 2005 Jay and Elvira Hoffman, John Eadie and Joshua Slocum attended a New York State Cemetery Board meeting in Albany to request the board require cemeteries to hand out printed price lists to customers, just as funeral homes must. This would be a natural step in the interpretation of an antiquated statute — that only requires cemetery rules and prices to be "posted" on a wall — that predates inexpensive computers, printers and copiers. Subsequently, a representative of the

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Joshua Slocum and Joyce Homan,
editors

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Funeral Consumers Alliance
33 Patchen Road
South Burlington, VT 05403
802-865-8300

fax: 802-865-2626
Email: fca@funerals.org
www.funerals.org

[cemetery trade association] asked for a summary of our request so he could present it at his association's semi-annual meeting. Though we provided the summary, we've heard nary a word from the Cemetery Association.

In October, Elvira Hoffman attended a Cemetery Board meeting at which the board informed her that the board can not require cemeteries to hand out price lists, because the state law says only that the lists must be "posted" — hung on the wall. The Board said it might be sued if it interpreted the statute any other way.

In light of the Board's decision, FCA of L.I./NYC has drafted a new consumer pamphlet on cemetery rules, prices and charges. We sent a copy to the Cemetery Board for review and corrections. We'll make the pamphlet available to the public sometime in November [kudos to the FCA for bypassing bureaucratic red tape in order to help the public!].

FCA of L.I./NYC is considering whether to go for a statutory change. One change we'd like to see is an increase in the fine for breaking cemetery regulations — currently just \$25 per violation.

Perhaps we'll see one small victory on another topic: the Cemetery Division's Web site is wrong in stating that cemeteries can require vaults. They can require a concrete vault, or, at the option of the customer, a concrete graveliner for graves purchased after January 1, 1985. If a customer objects to any type of vault on religious grounds, the cemetery may not insist on it [New York and Vermont are the only states we know of with this exemption]. We've been trying for months to correct this error on the Web site. Elvira raised this issue at a recent Cemetery Board meeting, so maybe it will finally be changed."

Ohio — If all goes well, Ohio citizens will soon be able to direct how their

bodies are to be dealt with at death. Ohio State Rep. Michael Skindell has introduced House Bill 342, the Disposition of Last Remains Act. More than half the states have **personal preference** or **designated agent for body disposition** laws that allow a person to make legally binding arrangements for burial, cremation, or anatomical donation, and to appoint any person he wishes to carry them out. But in states such as Ohio without such laws, objections from blood kin can trump a person's wishes, and funeral directors often get caught up in ugly family feuds that can end in lawsuits.

While there are still details that need to be resolved, HB 342 would go far in bringing Ohio law in line with what most other states have done. **Marie Lorz**, of the **Funeral Consumers Alliance of Central Ohio**, also Secretary to the national **Funeral Consumers Alliance**, has been offering a consumer perspective on the bill during talks with Skindell's office. She's optimistic about the bill's passage, and notes it would protect individuals' rights as well as shield funeral directors from unfair liability.

Wisconsin — The dairy state has been in a frenzy over death-related legislation this fall. There's good news and bad. On the positive side, state Rep. Samantha Kerkman (R - Powers Lake) has introduced AB 75, a personal preference/designated agent bill. **Ray Gurney** of the **FCA of Greater Milwaukee** has been commenting on drafts of the bill and reports he's pleased with the cooperative relationship the group has with the legislative sponsors.

But consumers dodged a bullet at the last minute when an industry-backed bill that would have outlawed many types of lower-cost funeral homes was amended by the sponsor after an outcry in the media. This story is an object lesson for affiliates — if we snooze at the switch, industry will

write its own laws, and the consequences for funeral consumers can be disastrous. It was only after a call from a concerned funeral director to the FCA national office that the local Wisconsin groups found out was going on in their capital.

This summer, state Representative Phil Montgomery (R- Ashwaubenon) introduced Assembly Bill 485. With the unmistakable stamp of a funeral director's trade association all over it, AB 485 would have, among other things:

- outlawed funeral homes that occupy any building with more than one other business in it.
- mandated that every funeral establishment — whether it chose to offer on-site ceremonies or not — have seating for 50.
- prohibited churches, mosques, synagogues or any organization operating under "a creed" from owning a funeral home.

Though Montgomery denied it had anything to do with the scorn critics heaped on the bill in the media (including FCA), he pulled out the first two provisions while leaving in the ban on church-owned funeral homes. But it was a narrow victory for consumer choice — both FCA affiliates in Wisconsin had no idea the bill was being floated and it was nearly too late when we all acted to urge its amendment.

We simply can't afford to ignore what's going on in our own state governments. Had AB 485 gone through un-amended, it would have outlawed what its backers derisively called "strip mall funeral homes." This would have significantly raised the economic barriers to entry into the market. In the end, consumers would have had fewer choices and higher prices. Montgomery and the chief industry backer, Mark Paget, Executive Director of the Wisconsin Funeral Directors Association

(WFDA), waxed concerned, claiming the ban was necessary to protect consumers from “fly-by-night” funeral homes. Meanwhile, entrepreneurial funeral directors in Wisconsin and other states are opening up storefront locations with lower overhead and lower prices. The public supports these — when states let them have the choice.

“Actually, [the introduction of AB 485] was done to come after me,” said a Wisconsin funeral director who asked not to be named. He operates a full-service funeral home, but he also runs a storefront operation that offers lower-cost funerals. “I can’t see how this is protection for the consumer.”

It isn’t. And if there’s any doubt the bill was primarily (and perhaps entirely) written by big funeral interests to shut out the competition, consider:

- ◆ Neither of Wisconsin’s two FCAs was consulted in the drafting — only industry with an economic axe to grind.
- ◆ In a rare moment of candor, a lobbyist for the other trade group behind the bill, the Funeral Service Alliance, said this in a telephone interview with FCA: “The purpose of this bill is to eliminate any possibility of opening up what are called ‘strip-mall funeral homes,’” said Erin Longmire. “... we don’t want them here. It is a horrible precedent to set for how we value funeral service for the consumer in Wisconsin. We as an industry here in the state of Wisconsin have a very high bar that has been set in funeral service.”
- ◆ In a news bulletin sent to its members in October, the WFDA said that after “unfair representation by the media” of AB 485, the association had agreed “to remove the misunderstood provisions and move forward with the remainder of the bill.” Is the WFDA admitting that they are, in fact,

writing proposed Wisconsin funeral law?

The FCA of Greater Milwaukee, ably helped by Legislative Liaison Ray Gurney, is now on top of AB 485 and writing to legislators and the media but we almost missed the boat. So. . .

What Can You Do in Your State?

Every state legislature has a Web page listing current and proposed state laws. Many, like Wisconsin, let you sign up for email alerts on legislation you’re interested in. Funeral legislation affects you, your members, and the citizens of your state. Don’t let business interests write the rules you have to live by. This is your government; it does not belong to corporations or trade associations. Get involved today. Every affiliate should designate one legislative watch person to check on proposed laws at least once a month. That person can then present a summary to the board of directors, who can decide if and how to respond. The national office is available to consult with you on legislation. Call us at **800-765-0107**.

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Bargaining Chips

*by Wayne Sinclair, President,
Ithaca Memorial Society*

The Ithaca Memorial Society (IMS), a funeral consumers alliance in central New York founded in 1958, has bargained with local funeral directors (FDs) for discounted services for more than 45 years. Our members — about 1,400 — have always been able to choose among five types of service: direct cremation, direct burial, cremation following memorial service, burial following memorial service, and donation of body to a medical school. The funeral plans of about 85% of the members specify direct cremation. In the early years of IMS activity, only one funeral director agreed to provide services at discounted rates. Other FDs signed on in later years. Twelve FDs now partici-

pate in the IMS program, but one funeral home still performs about half of all member arrangements.

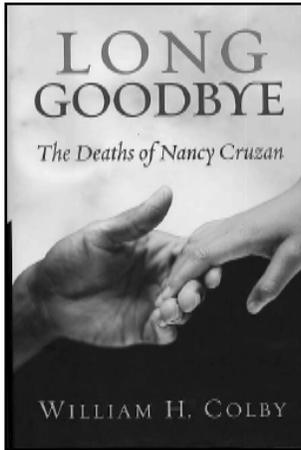
In the past, an IMS representative, having negotiated a contract price with one FD, would visit additional FDs in succession, negotiating for lower prices in the same contract period. This caused some resentment among the funeral homes. The FDs responded by forming an association that represented all of them in negotiations with IMS (and with the local department of social services). When contract terms were settled, the individual participating FDs signed identical contracts with IMS. With mutual distrust and animosity lingering, however, contract negotiations became increasingly difficult during three successive two-year terms, and broke down in 2005 over the issue of separate versus combined prices for services and merchandise (caskets, etc.). IMS held out for inclusion of minimal caskets in service types that involve burial, so survivors would not be obliged to negotiate with FDs.

To break the impasse, IMS started informal talks between one of its officers and several FD’s, and contacted every FD with an invitation to accept *individually* the contract that the association had rejected whole. These tactics cracked the association’s solidarity because the funeral homes had widely different cost structures, amounts of business from IMS members, and attitudes toward IMS. The Society could then have concluded new contracts with a few FDs who were willing to accept the invitation. Instead, we decided to offer the FDs’ association an opportunity to resume negotiations. Both parties then quickly approved a new contract in which service prices included a minimum casket. The frank talks between the Society and individual funeral directors restored respect and trust between us, and the uniform contract terms preserved trust among members of the FDs association. Thus, two formerly adversarial groups and the community at large will benefit.

Book and Video Sale

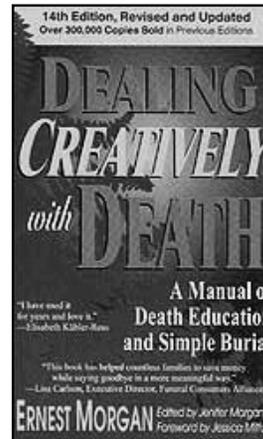
... a Good Read (or a good watch) at a Great Price!

* You must use the order form below to receive these special prices



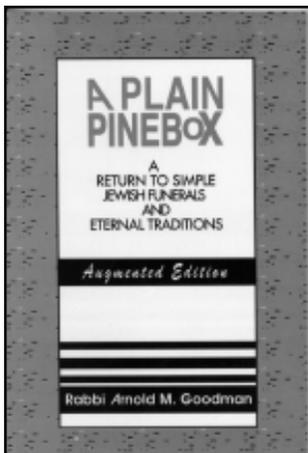
LONG GOODBYE —
Lawyer Bill Colby tells the remarkable story of the Cruzan family's 7-year court battle to disconnect their daughter, Nancy, from medical equipment that was prolonging her death.

Hardcover: \$18 \$15



DEALING CREATIVELY —
Ernest Morgan's classic guide to simple burial, cremation, and body donation includes advice on everything from what to do at death, to how to build a simple coffin, to how to give a truly personal memorial service.

Paperback: \$14.95 \$10



A PLAIN PINE BOX —
Rabbi Arnold Goodman's story of how a Minneapolis synagogue decided to offer free funerals to its members in the Jewish tradition. With a new foreword by funeral activist David Zinner, A Plain Pine Box has lessons for anyone (religious or not) interested in traditional community care for the dead.

Paperback: \$9.95 \$7.95



NICHOLS & MAY: TAKE TWO (Videocassette) — This one hour review of Mike Nichols' and Elaine Mays' raucous comedy includes a five-minute skit between a funeral director and a customer that will have you dying with laughter!

(VHS, 60 Min.) \$29.95 \$20.00

ORDER FORM

Title	Quantity	Total Merchandise Price	\$ _____
LONG GOODBYE	<input type="checkbox"/>	Shipping	\$ _____
DEALING CREATIVELY	<input type="checkbox"/>	(\$2.50 for the first item, \$1 each for additional items)	
A PLAIN PINE BOX	<input type="checkbox"/>	Grand Total	\$ _____
NICHOLS & MAY	<input type="checkbox"/>	I've enclosed a check <input type="checkbox"/>	
My Name _____		~OR~	
My Address: _____		My Visa/MC # _____ - _____ - _____	Exp. _____
		Mail to:	
		Funeral Consumers Alliance	
		33 Patchen Road	
		South Burlington, VT 05403	

Scatter-Brained

Focus on Cremation

FCA has a pamphlet called “Common Funeral Myths” that separates funeral fact from fiction. From the queries we’ve been getting lately, it might be time to come out with a tract on Common Cremation Myths. Sadly, many believe there are all sorts of legal restrictions on what they can do with cremated remains, and we have a feeling people are spending more than they need to because of these beliefs.

It’s true, there are a handful of legal restrictions on scattering in some states, but they’re few and far between. They’re also largely ignored and unenforceable (more below). Here are some general answers to the common questions we hear about cremated remains.

Q. Do ashes pose a health or environmental hazard?

A. No, and neither does almost anything that’s been exposed to an oven heated to nearly 2,000 degrees Fahrenheit. What remains after a cremation are inert fragments of bone — mostly calcium. Crematories then pulverize the fragments into smaller pieces. What you get back may vary from something like aquarium gravel to a finer powder.

Q. Don’t you have to buy a permanent urn?

A. No. One of the more underhanded industry tactics to get families to buy expensive urns has been the promotion of the term “temporary container.” Unscrupulous crematories will stamp words such as “TEMPORARY CONTAINER — NOT SUITABLE FOR LONG-TERM STORAGE” on

the plastic or cardboard container in which they return the ashes. In a craven move last year, the Texas Legislature danced to the funeral industry’s tune and enacted a law that all crematories must stamp such a warning on containers. Don’t be manipulated by this shameful tactic. You decide what container is “permanent” or “suitable.”

Q. Where can I buy an urn?

A. Obviously, many funeral homes and crematories have a wide selection of urns, from the plain to the ornate. But the funny thing is, any attractive piece of pottery seems to jump in price the moment the word “urn” is affixed to it. A similar container sold for another purpose might be just as suitable, and cheaper. One woman’s family put her ashes in a favorite cookie jar — a fitting tribute to a grandma who prided herself on her baking.

Q. Can I scatter ashes in a river or in a state park?

A. The answer to this is both yes and no. Read on below.

Annals of the Unenforceable

States across the land have a collection of baffling laws that defy common sense. Kentucky, for example, prohibits you from dyeing a duckling blue and then offering it for sale *unless* you are selling six or more of the blue ducklings at once. The long arm of the ludicrous law reaches out to death, too. Since 2001, it’s been illegal in North Carolina to use “profane, indecent, or obscene language in the presence of a dead human body.” So far as we know, none of the dead has complained. It’s unclear if a similar

ban exists with regard to “live human bodies,” commonly known as “people.”

Some of these are good for a laugh, but others are vexing to families who want the simple freedom to scatter. While helpful in most other ways, the Consumer Guide to California funeral law on the state’s Web page just muddies the water when it comes to scattering. According to the California Funeral and Cemetery Bureau, you have several options for the disposition of ashes, including:

- **Retention at a private residence** — The funeral establishment or crematory will have you sign the Permit for Disposition showing that the remains were released to you and will file it with the registrar of births and deaths. **You may not remove the cremated remains from the container and you must arrange for their disposition on your death** [emphasis added].

But, the same page also says:

- Cremated remains may be scattered as described above by a licensed cemetery, cemetery broker, crematory, registered cremated remains disposer, funeral establishment staff member, or the family.

We wrote to the Bureau to ask how a family can comply with the prohibition against removing the cremated remains from the container and still legally scatter. We also asked if the state had any police knocking on doors to find out if families — gasp!

— illegally switched containers. With refreshing candor, Bureau Chief Sherrie Moffett-Bell wrote back to say she understood the wording was confusing. She said the rules actually require the person scattering to get a new disposition permit before doing so. But really, does anyone notice or care? Here's what Moffett-Bell wrote:

“To date, I am not aware of any enforcement actions against anyone who has scattered remains [according to the law] and who has not complied with the . . . requirement to obtain a permit. As a practical matter, we would probably never know unless we had received a complaint of some kind. I am not aware of any. Insofar as someone removes cremated remains from an urn in a private dwelling and scatters the remains on his or her own privately owned land without obtaining a permit, there may be criminal liability, but this is very difficult — if not nearly impossible — to prove or enforce.”

She finished her explanation, “*This is particularly true if such person dies prior to the discovery of the scattering.*”

Truer words were never spoken.

The Environmental Protection Agency

Those who want to make sure you pay *them* to scatter your ashes are keen to point out obscure regulations. We recently found a New Jersey funeral home Web site that alarmingly declared: “If you scatter ashes off a local jetty, you break Federal Law.” Really? Well, kind of. After years of trying to track down an EPA spokesperson who could give us the skinny on federal rules, we found an expert willing to talk. Our spokesman — let's call him Deep Urn — has decades of experience with several EPA regional offices. In exchange for anonymity, he

agreed to explain what's really behind section 229.1 of the Federal Environmental Protection Agency law. To paraphrase, the law says anyone in the U.S. can bury remains (including ashes) at sea so long as they:

- ♦ take the remains three miles out from shore
- ♦ report the burial (or scattering) within a month to the closest EPA office

But what about families who stand on the beach and scatter? Are they really in danger of prosecution? Not really. Burials or scatterings that take place within three miles of shore fall under the Clean Water Act, rather than the EPA rules, Deep Urn said. States, not the Feds, enforce the CWA. He said he's never heard of any state that pays attention to scattering cremains on the seashore.

And what about the EPA?

“I don't care about cremated remains,” he said. “We're trying to deal with real polluters.”

He said if you interpreted the laws literally, fishermen could be prosecuted for using bait and allowing it fall off the hook. Obviously, no one is going to do that, he said, and cremated remains are no different.

What about the reporting requirement?

“I've never had private people [report scattering],” he said, “only funeral homes” that offer commercial scattering.

Officials with state and national parks have also confirmed to us they turn a blind eye when families scatter, even if it's against the rules. If a funeral home “warns” you about the prohibitions on scattering, it's probably safe to thank them for their kindly concern and go on your merry way.

~♦~

Scattering Dad

—By Joyce Homan

Joyce is a member of the boards of directors of both the Syracuse Memorial Society and the national Funeral Consumers Alliance. She is also co-editor of this newsletter. She sent this story about the day her family gathered on a boat to scatter her husband's ashes. Initially worried about her children's reaction to the event, and a little unsure herself about actually handling what was left of her husband, Joyce found that what she thought might be a morbid occasion turned into a happy family reunion.

It took a lot of planning to bring the family to Maine for a scattering of my husband's ashes. In the last of our 43 years together, during his long decline, we had talked frankly about the end of life. I knew it was his wish to be cremated and scattered. Ray Homan was a practical type — preferring the simple to the elaborate; a canoe, not a speed boat, camping instead of motels, walking together a half mile to the doughnut store and home again on Saturday mornings — before eating breakfast. A stubborn man, who, as he liked to say, “called a spade a spade.”

Early on, hearing about Jessica Mitford, he joined a Memorial Society. He believed it was madness to spend money on a fancy funeral. So, for him it was immediate cremation and a memorial service. No frills. He had been very direct about his wishes to all. The family would never have dared to disagree.

A few days after the scattering, I sent this account of preparing the cremains to the family. I have joined a monthly writers group as a way of dealing with grief and I thought this essay might help everyone

(continued on page 9)

We Need Your Help . . . So We Can Continue to Help You!

If you read this newsletter, you know how hard the staff at FCA works to help protect grieving families from fraud, overzealous funeral salespeople, and unnecessarily expensive send-offs. Every year, our two full-timers and one part-timer respond to thousands of calls, emails, and letters from the public and our affiliates. We stuff envelopes with free pamphlets, we walk elderly couples through sensible funeral planning by phone, and we push for sensible laws that protect the public. Here are just a few examples of what your support helped us achieve in 2005:

- Mary Hammond, 93, was at her wits' end when she realized her \$7,500 funeral would cost her more than twice that amount in insurance premiums. *"I would be paying \$20,000 for a \$7,500 funeral,"* she wrote. *"Thanks to the Funeral Consumers Alliance, who contacted a lady at [the state regulatory office], they discovered I was a victim of fraud."* Mrs. Hammond got a \$12,000 refund on her insurance premiums with our help.
- The last request of Roy Bunger's mother was for an old-fashioned family burial. In August, Mr. Bunger wrote to us to say, *"Thanks in part to the information and help you had previously given us, we were able to bury her from home . . . these were Mom's wishes, which she had expressed to us, and to be able to carry them out brought peace (and yes, even joy.)"*
- Working with our volunteers at the FCA of Long Island and New York City, we pitched in to successfully stop a bill in New York State (pushed by the largest funeral chain on Wall Street) that would have allowed funeral homes to sell slickly marketed and grossly overpriced "package" funerals.

Without your donations, none of this would have happened. Without your support, there would be no credible national voice for the funeral consumer movement. Won't you help? Every contribution you make to FCA is tax-deductible! Your employer may even offer matching grants, which can double your gift. Please detach the form below and return it in the enclosed envelope. We acknowledge every contribution personally by mail.

THANK YOU!

Name _____ Address: _____

Telephone: _____

Yes! I'd like to contribute to FCA's consumer education and protection in the amount of:

\$25 \$50 \$100 \$500 Other _____

I've enclosed a check

or, My Visa/MC number is _____ - _____ - _____ - _____

Exp. date _____

understand more about cremation and one family's experience.

"Dear Kids,

Well, I opened the box. For months it has been on the shelf where Dad used to keep his winter hat. I put aside thoughts that this might be morbid, as after all I'm the one who has proposed a family scattering ceremony. The box seemed so small. This had been a person? My husband? Smaller than a shoebox, the white cardboard was held firmly shut with extra-strong tape. I needed sharp scissors. Also taped to the top of the box was an envelope, which contained the certificate of cremation. I was told to always keep it on the box and especially if I was going to take it through airport security. "No urn, just the plain box 'as is' with the certificate of cremation attached," said the funeral director... "and, hand carry it!"

Next, to open the lid. Did I really expect bones to be there? No. Inside the white cardboard outer box was a black plastic one, slightly larger at the top than bottom, also taped firmly shut. The shape of the box perfect was for a neatly spaded rectangle dug into some cemetery ground. So far so good, but now I have to open the black box. It also had a card attached. It tells me that this is a "temporary container" and that "a permanent container should be provided for perpetual care and security." Security for scattered ashes? I smiled thinking of the expensive urns I had seen at the funeral home shaped like dolphins and eagles.

The black plastic box defied me. I could not open it. At this point I was in the kitchen and half expecting a cloud of dust I brought the box to the garage. I tried the box again but the top would not budge. Fearing for my fingernails I looked for a tool to pry the lid. I stopped again, perhaps just to delay what awaited me, but thinking about my allergies, went in to the house to get a dust mask.

Now I was ready, my face half covered by a blue mask, I picked up the only tool available on the garage shelf – a beer can opener. Dad wouldn't have minded a bit. With difficulty I pried the box top open. Nothing could have been more secure than this sturdy 'temporary' container. Awaiting me however was more plastic, a heavy-grade transparent bag, which at last, revealed the ashes. It was then that I realized why the word 'cremains' has come into use. The contents of the bag, the remains of your Dad, looked more like gray gravel or Sacrete.

Once I got used to the sight I could see the structure of bone fragments — nothing like feathery ashes — only a few small whitish pieces among the gray grit with the undeniable look of dried bone. Feeling more confident I put my hand in and realized what I had heard from a friend was true. I could feel fragments a few inches long. Despite the mask I sneezed.

I also found the screws from a long ago repair of a broken arm, a zipper pull and a dental bridge. The bridge cost more than his funeral. OK, I decided it was true. I had better sift the cremains before having my grandchildren do the scattering. Another scattering story flitted through my brain; a young friend with particularly fractious children described the solemn ceremony of scattering her grandmother, which turned into a frolic as the children dipped into the box of cremains and began a wild play of throwing grandma at each other. And of course I know all the jokes about throwing into the wind.

But how to sift? I tried several kitchen and garage utensils but some were too fine, others too coarse. Finally it was the Chinese vegetable steamer from the kitchen which had the right sized holes. I shook enough to put a few hands full into six small paper bags. With a marker I wrote a

'c' on each. Then with some of Dad's dust filtering to the garage floor I filled eight more bags for the adults 'a' in the family. Then I placed them in a sturdy shopping bag for the trip. Nordstroms' understated silver bag was certainly a better choice for the occasion than the barbecue restaurant takeout bags. Now I was ready for the family scattering. I felt rather peaceful having done this – better than I would have guessed. Now, it was time to pack for the reunion."

No 'Peace of Mind' for Alabama Preneed Consumers

The Alabama Department of Insurance has assumed operation of 15 funeral homes and cemeteries operated by Mike Graham and Associates, Commissioner Walter A. Bell announced October 17, 2005.

The department alleges the funeral homes and cemeteries are approximately \$2 million behind in payments to a trust to hold consumers' funds until the funeral or cemetery services are needed. About 2,000 consumer contracts are affected.

The funeral homes and cemeteries will continue to operate, but will not be allowed to sell any preneed services at this time. Additionally, financial matters at the locations must be cleared through the Department's receiver, Denise Azar.

The department will contact customers with prepaid contracts soon, and consumers may also receive updates by visiting the department's Web site. For a list of the cemeteries and funeral homes affected, see www.aldoi.gov.

As readers of this newsletter know, we warn against prepaying for any funeral or burial goods unless absolutely necessary to qualify for Medicaid. For better, safer ways to plan ahead, see our Web site at www.funerals.org.

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Is the government
really enforcing
funeral regulations?**

◆ **State Licensing
Boards — Consumer
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◆ **Affiliate News
From Around the
Country**



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People from around the country — FCA volunteers, board members, the public, and even some funeral directors — participate in this email discussion. Many post funeral and death-related news articles several times weekly. Join today!

FUNERAL CONSUMERS ALLIANCE is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our more than 100 volunteer-run consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

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