



# FUNERAL CONSUMERS ALLIANCE

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

Summer, 2007

A Federation of Nonprofit Funeral Information Societies

Volume 11, no.2

## Funerals Go Cooperative

### Peoples Memorial Association Opens Member-owned Funeral Service

*-Joshua Slocum, Executive Director*

The biggest thing to happen to funerals took place right here in the FCA family. Peoples Memorial Association, our oldest and largest funeral consumer group, has bypassed the commercial mortuary business altogether. PMA, founded in 1939, opened its own funeral service June 11, 2007, fulfilling a vision of its founders. The organization's 100,000 members are now the proud owners of their own funeral establishment: Peoples Memorial Funeral Cooperative (PMFC). Precarious contracts with fickle mortuary chains, constant changes of cooperating funeral homes — that's all in the past.

"It's all thanks to SCI," laughed John Eric Rolfstad, PMA's Executive Director. Service Corporation International, the largest funeral home chain in North America, bought Bleitz Funeral Home in the 1990s. Bleitz was the long-time contract funeral home serving PMA members. While SCI/Bleitz continued to serve PMA members for about a decade, pressure from Wall Street to raise prices and "upsell" members soured the relationship. Funeral Consumers Alliance is suing SCI, its competitor chains, and Batesville Casket Company for antitrust violations that have inflated casket prices for millions of consumers.

"[The co-op] was an idea that's

been talked about for a long time," said Rolfstad. "During the long period of stability with Bleitz, there was no impetus to move on it. But as a result of having our fill with the [funeral chains] and having no one left in Seattle to serve our members, it kind of forced our hand on this. We needed to do something so our members in Seattle would have funeral options."

In March, 2006, SCI/Bleitz cancelled the contract to serve PMA members at discounted prices. Scrambling to find enough funeral homes to serve the member base in Western Washington, the PMA board signed contracts with several Alderwoods locations (Alderwoods was the second-largest funeral home chain). Well, out of the frying pan, into the fire: SCI bought Alderwoods in November, 2006. PMA was right back where it started.

SCI managers wanted to raise the PMA member prices by 65 percent — bringing direct cremation from \$599 to \$990. PMA refused, and SCI said "so long" to the contract.

"We looked at all the other independent funeral homes in the city, and no one was a good fit for us," Rolfstad said. Either the funeral homes didn't like PMA's no-nonsense, low-cost philoso-

*(continued page 2)*

## What is a Co-op, Anyway?

A cooperative is a special kind of business owned by its members. Readers might be familiar with the concept if they do business with a credit union or a grocery co-op. The National Cooperative Business Association defines co-ops this way:

### Cooperatives —

- Are owned and democratically controlled by their members, not by outside investors; co-op members elect their board of director from within the membership.
- Return surplus revenues (income over expenses and investment) to members proportionate to their use of the cooperative, not proportionate to their "investment" or ownership share.
- Are motivated not by profit, but by service—to meet their members' needs for affordable and high quality goods or services.
- Exist solely to serve their members.
- Pay taxes on income kept within the co-op for investment and reserves. Surplus revenues from the co-op are returned to individual members who pay taxes on that income.

### In this issue:

**President's Corner - 4**

**Standards for cooperating funeral homes - 5**

**Funerals go to college - 7**

**New FTC decisions - 10**

phy, he said, or they wouldn't offer a fair price to the members.

PMA President Ruth Bennett and Rolfstad met with a lawyer specializing in co-op law to draw up articles of incorporation, they met with other co-op businesses and advocacy groups for advice, they found a new location in the heart of the city, and hired enough staff to run the funeral business — all within two months.

Thanks to Washington's liberal funeral licensing laws, PMFC was able to hire only one licensed funeral director (initially) and three interns. Unlike many other states, Washington law doesn't require expensive facilities such as embalming rooms and casket display areas, so the co-op was able to get up and running quickly with a simple arrangements office where families could plan funerals. Like many commercial mortuaries, PMFC uses a trade service to perform cremations and the occasional embalming. Those who want full-service funerals with viewings can choose from several churches and social halls PMFC contracts with. Keeping the overhead low is what keeps funeral costs down for members and the public.

### **Adapting the Co-op Model to Funeral Service**

Member ownership is a natural fit for FCA members. The nearly 400,000 people who belong to our funeral consumer organizations and memorial societies are interested in reasonable costs, and they don't want to be pressured to buy goods and services they don't want. We asked John Eric Rolfstad to explain exactly how the co-op works.

**FCA:** What makes you different from an ordinary, commercial funeral home?

**JER:** Ownership — our members are our owners, we don't have shareholders, and we don't have Wall Street executives to please. Obviously, we have to be profitable to stay in business, but

we don't have to please owners that want to buy a new yacht. The focus is really on service and giving people a good value for their money. In addition, we call ourselves a funeral service rather than a funeral home. We are able to keep costs down by not having an expensive building with the rarely used chapel and viewing rooms. There's no big lawn to keep manicured. If families request a hearse, we rent it rather than tie up \$60,000 in owning one.

**FCA:** So what happens to the overage, the profit you make, when you're a co-op?

**JER:** We're waiting for the IRS to decide which category we fit into after we file our first tax return. If we get the ruling we're hoping for, it means that as long as we pay out 20 percent of net profits to members, then we can keep the other 80 percent tax-free to reinvest in the business. For example, we eventually want to buy our own crematory, and perhaps our own building. That's one of the real tax advantages of being a co-op.

**FCA:** Who are the "member-owners" of PMFC?

**JER:** All the current members of PMA are automatically members of the co-op. New members join PMA and then automatically become co-op members.

**FCA:** How do you return the 20 percent dividend to members?

**JER:** Our members get the dividend in the form of discounts on funerals or cremations. It's similar to many grocery co-ops that return patronage dividends to members at the time of sale by discounting the merchandise.

**FCA:** What's the difference between PMA and the new PMFC?

**JER:** Peoples Memorial Association is

our 501(c)(4) nonprofit. PMFC is a separate corporation. Like always, PMA staff mail membership packets, brochures, and funeral planning forms to members.

**FCA:** Will the organization continue its consumer protection mission, the education on funeral choices, the consumer lobbying at the state level?

**JER:** Absolutely. We've shifted a lot of the education and advocacy to our 501(c)(3) corporation, the PMA Education Fund. [*501(c)(3) nonprofits allow people to make tax-deductible donations - ed.*] This fund pays for educational materials, the price survey, public education, and workshops to educate hospice workers, social workers, etc.

We just finished our price survey of 170 funeral homes, and we've mailed it out to hospice and other community organizations. The survey is available free on our web site for everyone.

**FCA:** Can non-members have PMFC perform their funerals?

**JER:** Yes. They pay slightly higher prices. Our philosophy is that even if you're not a member, we still want to give you a good value and a dignified experience. Even as a non-member it's a good deal.

**FCA:** Obviously, PMFC is founded on an entirely different model from the

**The FCA Newsletter**  
**Vol. 11, no. 2**  
**Joshua Slocum, editor**  
**Editorial assistance from Margie Bridges and Norma Beerweiler**  
**Published quarterly by**  
**Funeral Consumers Alliance**  
**33 Patchen Road**  
**South Burlington, VT 05403**  
**802-865-8300**  
**fax: 802-865-2626**  
**Email: [fca@funerals.org](mailto:fca@funerals.org)**  
**[www.funerals.org](http://www.funerals.org)**

commercial funeral business, which tries to sell as much as possible. But how will you make sure the co-op doesn't fall into any of those sales practices in the future?

**JER:** There will be absolutely no salesmanship. . . the co-op has a contract with PMA, and in that contract, it forbids us from exerting any sales pressure.

**FCA:** It's still early in the game for you, and you'll need a year or two to look back and reflect on what went well and what needs improvement. But it occurs to me your

example could be a real inspiration for other FCA affiliates who want to take control of the process for themselves.

**JER:** Oh, I hope we will be. This wouldn't be a good fit for some of the smaller groups, probably, but there are FCA Affiliates out there that could make a successful go at their own co-op.



## Fast Facts on PMA and the New Co-op

- PMA's Board of Directors is also the acting Board for the co-op. In the future, the membership may elect a separate Board for the co-op.
- PMA and PMFC share an office suite, but they are separate entities and the staff have different duties.
- PMFC employs two licensed funeral directors, three interns and an administrative assistant.
- PMFC doesn't keep caskets on site; they're ordered as needed. Customers pick models from high-quality computer displays on plasma screens.
- PMA also contracts with 14 independently owned, ethical funeral homes to serve members outside the city of Seattle, including one which specializes in home funerals.
- The co-op served 135 customers between June 11 and August 15. Of these, 127 were direct cremation; one was a direct burial, one was cremation with a memorial service, and six were full-service funerals.

For more information, visit [www.funerals.coop](http://www.funerals.coop) or [www.peoplesmemorial.org](http://www.peoplesmemorial.org)

### When Bad Writing Attacks

From an obituary in the Hartford Courant —

“Robert ‘Bob’ E. Welch, 56, of Enfield passed away Saturday at the West Haven Veterans Hospital after a long battle with his family at his bedside.

### The Unloved One

A minister was conducting a funeral and was beside himself because

— after interviewing friends and relatives — he couldn't discover a single nice thing to say about the deceased. So, he read some biblical verses and then, in frustration, appealed to the few mourners to stand up and recall anything nice they could remember about the dead man.

For quite a long time, there was silence. Then the minister exhorted the few mourners one last time. “Isn't there one person who can stand up and say something positive about the man who

we are about to bury today?”

Finally, one older gentleman wobbily rose, using his cane for support. “Well, preacher,” he said in a surprisingly firm voice, “I knew his brother, and that SOB was a lot worse. That's for sure.” And the minister, figuring that was the best he was going to get, concluded the funeral service with, “Thank you for those kind memories and thoughts.”



# President's Corner

- by Joyce Homan

When I began writing this, summer was a comin' in, now suddenly it's on its way out... Summer is traditionally a time when volunteer organizations slow down – not so FCA. June 1, 2, and 3 began with a full board meeting in Syracuse, NY. Two days of 9 to 5 meetings were devoted to careful examination of FCA's activities, finances and committee reports. The board agreed to continue its survey of all affiliates, named a nominating committee and moved forward with its Capital Campaign. Mixing work with pleasure, the FCA board of nine met the Syracuse Memorial Society board at the lovely home of a local member. An evening of good food and an exchange of ideas was enjoyed.

Cyberspace has been full of messages zipping back and forth across the 50 states. In the beginning of summer, real estate was the subject as we hoped to buy the building we now occupy. Unfortunately, a higher bid was accepted, so we signed a lease and will remain a tenant at 33 Patchen Rd. The board is fortunate to have two board members with real estate experience, Norma Beerweiler and David Morrison. We continue to look for a suitable permanent home as we build up donations to our Capital Campaign.

Also in the works is an update of "Caring For The Dead" by Lisa Carlson. Carlson has asked FCA Executive Director Joshua Slocum to co-write the next edition of this unique book — it's the only state-by-state manual of funeral and burial law written for consumers. The book, tentatively titled "Caring for the Dead: Your Consumer Rights" is scheduled for release in 2009.

Summer heat hasn't wilted FCA's direct mail campaigns either. Eight of our Affiliates have generously shared their mailing lists for a one-time letter to their

membership. The national board applauds their generosity. But, only eight? Many of the Affiliate presidents I have talked to say "Oh, we never ask our members for money." Or, "We're all volunteers, we don't need money." In truth, every nonprofit organization needs money, and raising it is a primary responsibility for a nonprofit board. As the only national watchdog protecting funeral consumer rights, FCA National has expenses far beyond those of smaller, local organizations. Our modest office in Vermont needs up-to-date technology, and support. Two full time employees plus a half time person, answer every phone call (10,000 of them each year), keep our media image strong, produce a quarterly newsletter and work daily for our 100+ affiliates. Without the National organization, Affiliates also wouldn't have access to dozens of pamphlets, books, and funeral planning materials at wholesale cost.

In thinking about Funeral Consumers Alliance, I realize that we are more cerebral than emotional in our appeal. We cannot show photos of vulnerable widows, or overwhelmed credit card holders. Our service to others must be supported by those of us who have become informed consumers and understand its value. Most of you reading this are on local boards. I encourage you to share your membership list with us so we can broaden our income sources and rely less heavily on Affiliate dues. We are all in this together. Whether it was Shakespeare or Alexandre Dumas that coined the phrase, "All for one, One for all..." it fits us at FCA.

*Joyce Homan is President of FCA National. This is her second term on the National Board. A retired art teacher, Homan has been a longtime board member of and volunteer for the Syracuse Memorial Society. email her at [jhoman@twcny.rr.com](mailto:jhoman@twcny.rr.com)*

## Ding, Dong — IRS Calling!

Starting in 2008, small tax-exempt organizations will have to submit an annual electronic notice to the Internal Revenue Service. The IRS is calling the notice an "e-postcard", and you should be getting a letter in the mail soon from the IRS explaining the requirement.

Small nonprofits that make \$25,000 or less annually (like most FCA Affiliates) don't have to file the Form 990, the tax-exempt equivalent of a corporate tax return. But starting in 2008, such groups will have to submit the e-postcard, which calls for:

- ✓ **Your organization's legal name**
- ✓ **Any other names your organization goes by**
- ✓ **Your Web address (if any)**
- ✓ **The name and address of a principal officer, director, or trustee**
- ✓ **A statement confirming the organization's annual revenue is normally \$25,000 or less**

This should take next to no time at all, but it is important to be on the lookout for it. For the few stragglers out there that still say, "Oh, we don't use email or a computer," this is just another reason to start — you won't be allowed to submit this report on paper. It was barely acceptable 10 years ago to claim one "couldn't learn" to use a computer, but it's out of the question today. For good or ill, the world runs on the Internet and email. Groups or individuals who won't adapt to this reality will find it impossible to transact many kinds of business.

# Accountability 101 : New FCA Policy on Basic Standards for Cooperating Funeral Homes

For decades, funeral consumer groups have secured volume discounts from funeral homes in order to bring members reasonable prices. Over time, a consensus has built up about what types of funeral businesses we want to support, and those we want to avoid. At the June, 2007 meeting, the FCA National Board adopted those principles as minimum standards for cooperating funeral homes.

Most of these will be familiar to FCA Affiliates who have used these standards when selecting funeral homes to serve their membership. However, some funeral consumer groups need to pay a little more attention to the types of funeral homes they lend their support to. Unfortunately, we've seen cases where the funeral home — not the organization's board — appears to be calling the shots. Some funeral societies worry that if they put any pressure on the cooperating funeral home, or if they develop a relationship with that funeral home's competitor, the funeral home will stop offering a member discount. No funeral consumer group should ever fear such tactics or give in to them. We have a moral obligation to be consumer advocates, not passive brokers for funeral home discounts. We hope the guidelines below will give all our Affiliates the confidence they need to maintain fair, ethical dealings with cooperating funeral homes.

## Minimum Standards for Cooperating Funeral Homes Serving FCA Affiliates

FCA Affiliates shall, at a minimum, ensure any funeral homes, cemeteries, crematories or other death-related vendors with which they have agreements or contracts meet the following minimum standards:

### 1. The business shall be licensed by and in good standing with the state (when applicable).

**Rationale:** Nearly all states require funeral homes to maintain a license and abide by certain standards. Other death-related businesses, such as cemeteries and casket retailers, for example, are often not required to be licensed, so this standard won't apply.

### 2. If the business is a funeral home, its General Price List shall comply with consumer protection regulations under the Federal Trade Commission's Funeral Rule and with any applicable state laws or regulations. Businesses not required to have a General Price List shall offer consumers as a standard practice a complete list of goods and services offered and the prices for each.

**Rationale:** The memorial societies around the country fought successfully to persuade the Federal Trade Commission to adopt minimum disclosure standards for funeral consumers. It's way past time we held funeral homes accountable to these. FCA has all the tools you need to make sure mortuary price lists are legal and clear [see the following article on the **Guide to Consumer-Friendly General Price Lists**].

In most states, cemeteries and casket retailers aren't required to have these price lists. Any honest business would offer one, however. If you have relationships with businesses that don't offer price lists, this is an excellent opportunity to help them do so.

### 3. The prices offered by the business to the general public should be reasonable and fair.

**Rationale:** What constitutes a fair and reasonable price is more subjective, and will vary by region. Your price survey will help you determine a range of fair prices.

### 4. The business shall have a clean complaint record with the applicable state regulatory bodies. Or, if consumers have filed complaints, the Affiliate shall make a reasonable effort to determine if the complaints were satisfactorily resolved and do not indicate a pattern of anti-consumer practices.

**Rationale:** Consumer advocacy groups will want to check the complaint record of any business they are considering recommending. If you do find complaints, try to find out the details, and ask the funeral home for its response. Not all complaints are valid. Disgruntled, unreasonable customers are just as common in the funeral transaction as in any other sphere. In addition, malicious competitors sometimes lodge frivolous complaints against each other. But a pattern of con-

sumer complaints against a funeral home should give you pause.

## 5. Affiliates are strongly discouraged from having cooperative relationships with, or accepting discounts from, businesses that:

### a. charge the general public (non-members) excessive or unfair prices, especially when more reasonably priced establishments are available in the affiliate's service area.

**Rationale:** Accepting a discount for members has ethical implications. For example, a few memorial societies have negotiated and accepted discounts of up to 50 percent off the prices non-members pay for cremation. It sounds like a great deal, but what it really means is the general public (not fortunate enough to know about you and your membership offers) is paying **double** what your membership pays. If a funeral home can afford to slash its prices 50 percent for your members, that's a pretty good indication they're fleecing the average consumer (who is unwittingly subsidizing your member discount). Either that, or they're counting on your membership remaining such a small part of their business that these few cheap cremations won't dent the bottom line. In some cases, these types of funeral homes put pressure on the FCA Affiliate not to name them publicly so their "retail" customers won't get angry when they realize they overpaid. **This is wholly unethical and no affiliate should accede to such conditions.**

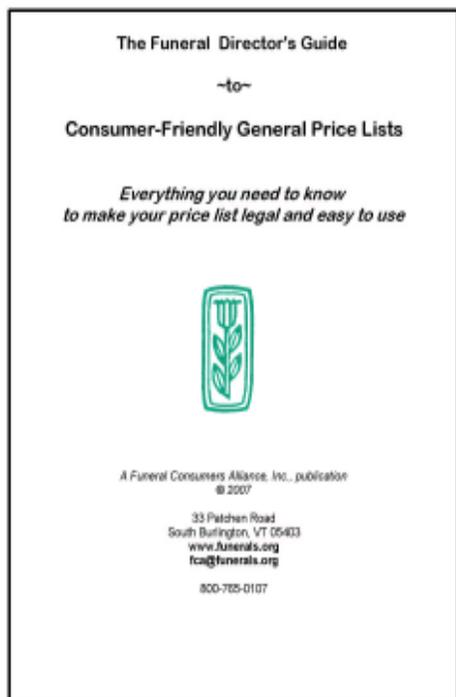
In addition, there's no good reason to hold onto a huge "discount" from an expensive funeral home if other businesses in your area are already offering moderate prices to the public. For example, one memorial society refused to mention to members that a new, low-cost funeral home had opened up in town. This new funeral home offered simple burials for \$200 less *to everyone*, no discount necessary. What's the point of hanging on to a "discount" on a service that's overpriced to begin with if you have other options?

Memorial societies and FCA Affiliates have done a lot to put real competitive pressure on funeral prices, which induced price competition in many parts of the country. This is **good for everyone**. Hanging onto to a "discount" and helping prop up overpriced businesses, however, can thwart competition and keep prices higher than they should be — the opposite of our mission and mandate.

### b. use manipulative or deceptive sales practices to upsell consumers.

**Rationale:** This one is fairly straightforward, and all FCA affiliates have long demanded that cooperating funeral homes let members pick what they want unmolested by "upselling" techniques. But it's a good reminder to take a second look at the sales materials your cooperating funeral homes use. Do they talk about "protective" caskets? Do they push prepaid funerals heavily in their literature or advertisements?

*Questions or comments? Email us at [fca@funerals.org](mailto:fca@funerals.org)*



## New from FCA *The Funeral Director's Guide to Consumer-Friendly General Price Lists*

If restaurant menus looked anything like funeral home price lists, customers would go home and heat up the Stouffer's. Who wants to plow through six pages of mixed-up nonsense dishes — pasta tossed in with appetizer salads, surcharges for the ramekin if you want your dressing on the side, single-serve entrees that cost more than family-sized meals — just to order dinner?

You can imagine your annoyance if confronted with such a menu. Now imagine what's going through a customer's mind as she's deciding on

"what's right" for Aunt Mildred while trying to figure out just what "placement of encased remains" is, and why the charge for cremation doesn't include the actual cremation.

About three-quarters of the GPLs we've seen have at least one Funeral Rule violation; many have more. Even those following the letter of the law are often confusing or off-putting. Bad ideas spread like wildfire, with self-promotion, vague jargon, and nonsensical pricing schemes jumping from GPL to GPL.

So. . . enter the **Funeral Director's Guide to Consumer-Friendly General Price Lists**. We've taken the best and the worst of the GPLs we've seen to come up with a clear, user-friendly guide to the gentle art of selling services for the dead. The Guide is 23 pages long, color-coded to show common FTC violations and confusing terminology, and it's available in print or electronically. It includes:

- **An introductory section** outlining the general principles of the Funeral Rule, suggestions for “de-jargoning” the GPL and rewriting it in plain English
- **3 sample price lists** showing common legal violations, how to correct them, and a model price list that's legally compliant and easy to read
- **Tips for funeral directors** to help them understand how the general public perceives funerals — this can head off complaints before they happen

Though we wrote the guide for funeral directors, it will be enormously helpful for FCA Affiliates when they conduct their price surveys. If you've ever thought “grading” GPLs for legal compliance was “too hard,” this simple guide is for you.

Color copies in a binder are available for \$20 plus postage, or you can download the guide free at [www.funerals.org/gplguide.pdf](http://www.funerals.org/gplguide.pdf). If you download the free version, *be sure to print in color* as the guide uses color-coding to distinguish between legal violations and editorial suggestions.

Oh — the guide makes a great Christmas gift for that special undertaker!



## Consumer Empowerment Outreach Ideas from the FCA of North Texas

If you're not a member of our free email chat list, you're missing a wealth of good ideas from FCA Affiliates around the country. The following question came in:

*Have any affiliates of FCA or other organizations tried running a seminar or class which included a field trip to local funeral homes, shopping for a funeral, and critiquing the different funeral homes afterwards?*

Ed McHam of the FCA of North Texas described how his group takes funeral education right to the local community colleges:

Rather than a field trip where we control the arrangements, we prefer to place the ownership of the process where it belongs - the consumer. At the end of the first day of a 2-day (total 4 hours) seminar titled “FUNERAL BUYING: \$ or \$\$\$” at Richland Community College in Dallas, we assign a trip to at least one funeral home to request a price list and report findings and experiences on the second day of class. The first day's class focuses on introducing the federal Funeral Rule, how to read a General Price List, and how to comparison-shop for funerals.

The second-day feedback results have been exciting. Many class members go beyond just picking up a price list; they quiz funeral directors about specific arrangements. Last semester, a student asked a funeral director about an elderly relative in Oklahoma, expected to die in the immediate future, with the embalmed body to be transported to Texas for burial. In fact, the actual event occurred two years ago. The student knew the correct answers and was checking out the funeral director's response to her inquiries.

The feedback from participants makes the class. Some of the stories are wild. Even those members who did not visit a funeral home learn lessons from the other class members. I think we've come up with a winning format.

Our class size has been as low as 12 and as high as 23 (Spring 2007). We normally expect 15-18. We offer them in the fall and spring semesters. About half of the class members will go shopping. Once the less adventuresome students hear the stories from their classmates who did go “shopping,” they often tell us they will also visit a funeral home soon. Hearing the shopping stories from class members makes it real to all. I can't make up some of the stories they tell, or generate the same enthusiasm from the podium that the students generate from their own active participation. We like this approach as it makes us facilitators, not just lecturers.

*For downloadable samples of FCA of N. Texas' class handouts, visit our **NEW Affiliate Resources** page at [www.funerals.org/affiliate](http://www.funerals.org/affiliate)*

# Defending Your Last Rights I

*Yasser Moten is director of the Nevada chapter of the Council on American Islamic Relations (CAIR), a Muslim civil rights and advocacy group. He and other members of the Las Vegas Muslim Community wrote to FCA in July after an SCI funeral home/cemetery combination refused to let Muslims bury their dead without caskets. We're glad SCI relented and will allow casketless burials for Muslims, but we don't see a justification for requiring anyone to use a casket to be buried. Any consumer — Jewish, Muslim, atheist, ecologically-minded people — has the right to refuse to buy unnecessary merchandise.*

*As you can see from Moten's story, people who stand up for their rights can effectively push back against absurd funeral industry "requirements."*

On July 14, 2007 a local Muslim physician brought to my attention that **Davis Funeral Home and Memorial Park** in Las Vegas, NV, has a policy mandating that all bodies must be placed in a casket to be buried. In the Islamic tradition, when a Muslim dies the body is ritually washed, wrapped in a shroud, and then buried. No embalming or casket is required. Obviously, Davis' burial requirement would deny Muslims the right to bury their dead according to Islamic traditions.

The next day I called my uncle, the liaison be-

tween the Muslim community and Davis Funeral Home, to better understand this policy. He informed me that there is no law in Nevada requiring a casket for burial. According to my uncle, this policy was put in place for monetary gain. I then got in touch with **Joshua Slocum**, Executive Director of **Funeral Consumers Alliance**, who informed me that Davis' policy was in violation of the Federal Trade Commission's "Funeral Rule." This rule, Mr. Slocum wrote, gives people the "The right to choose or decline any funeral goods or services (caskets, embalming, vaults, etc.)."

On July 19 I called Davis directly to speak with their General Manager about the issue but he was not available so I left a voicemail detailing my concerns. Not getting a response, I called the next day and was again told that the General Manager was unavailable so I left another voicemail with the same message.

On July 23, 2007 I received a call from two public relations specialists who worked for Davis' parent company, **Service Corporation International (SCI)**. They informed me that SCI had looked into the matter and would allow Muslims to be buried without a casket to accommodate Islamic burial beliefs. The only requirement was that a burial liner be placed above the body to maintain the appearance of the burial grounds, which would be Islamically acceptable.

Acting on Slocum's advice, I called SCI's PR specialists two days later for a written confirmation of the new policy. I received this confirmation on July 30.

# Defending Your Last Rights II

## Public viewing without embalming: If it's what you want, insist on it

*by Lamar W. Hankins*

My uncle called to tell me about my aunt's death and ask if I could help him with a problem he was having with the funeral director he had chosen. My uncle did not want my aunt's body embalmed, partly because he knows a bit about the embalming process and he had nursed her for nearly two years before her death, seeing her body ravaged by disease. He did not want that body to endure any more devastation from a process that was unnecessary. My aunt was from a prominent family in the area, and she had many friends who had not

seen her in the past year or so and might want to see her body lying in repose.

The funeral director had told him that it was company policy not to permit a public viewing without embalming. Virtually all funeral homes in Texas and the United States have this policy. Except for Minnesota, no state law requires embalming for a public viewing, but the industry insists on it. The funeral director was willing to have a private viewing without embalming for family members, however.

I called a funeral director friend to ask some questions about the effect

of my aunt's physical condition on the preparation of her body for a viewing without embalming. He reminded me that, if the extensive edema from which she had suffered caused the tissue in her extremities to leak fluid, this could be easily managed with a plastic body suit commonly called "unionalls." As it turned out, leaking was not a problem.

I then called the owner of the funeral home, someone I had worked with a few years ago on revising Texas' funeral regulations. Because he was on vacation, I spoke to another funeral director, who objected that a viewing with-

out embalming might create a public health problem. I told him that this simply was not true. No public health authority has ever found a lack of embalming to create a public health issue. Furthermore, I said, the burgeoning family funeral movement never does embalming and its participants have public viewings as a matter of course. And the people who prepare bodies for family funerals need no training related to preparing a body for viewing and burial, so I knew such preparation is not rocket-science. He said he would have the president of the company contact me as soon as he returned.

Two hours later, I received a call from the president of the funeral home company. He understood what my uncle wanted and my position on the issues involved. He explained that they were concerned only that the family would be happy with the result. I told him that I was sure his staff were capable of preparing my aunt's body for public viewing without embalming if they were willing to do so. He said they would do everything possible to accommodate the family's wishes.

In the meantime, my aunt's body was refrigerated. She had died early on a Tuesday morning. That next Friday evening, our family had a two-hour public viewing at the funeral home attended by dozens of people. Other than a handful of family members, no one knew or guessed that my aunt's body had not been embalmed.

For the last two years, several articles in funeral industry publications have discussed public viewing without embalming. Some members of the profession have decided that it is time to end this practice of requiring families to have their loved one's bodies embalmed if there is to be a public viewing. The industry has no good reasons to insist routinely on this practice. Ron Hast, perhaps the most well-known and respected funeral industry publisher, and a funeral director in Northern California, has written eloquently on the subject. He wrote in 2005 that for the past 158 years there has been "no information ... about restrictions or concerns with disease

relative to a decedent in state, and viewed by the public" when that person was not embalmed.

Hast related the explanation of body preparation without embalming provided by a long-time licensed embalmer from a prominent funeral home in Los Angeles, Clemert Davidson:

"It is more difficult to prepare and present a body for viewing without embalming. But it can be done very well and we always respected the choice of families who requested viewing and a public funeral, but no embalming. ...

"We positioned all bodies received with the head high; hands were crossed and secured carefully to allow natural drainage of blood away from the head and hands. . . . The body would remain stabilized in a carefully controlled refrigeration unit at approximately 35 degrees...for at least 24 hours. This stabilizes and controls any decomposition. Approximately eight hours (five hours for slight bodies) before presentation, we placed and covered the body on a preparation table. About four hours later, we would carefully and completely towel the body dry, and again allow the body to rest until fully dry.

". . . In all those years we rarely encountered any problems with excluding embalming when requested. Our fees were the same with embalming or alternative preparation."

**(Mortuary Management,  
July/August 2005, p.4)**

Hast wrote in the October 2006 issue of *Mortuary Management* that "to say the reason for requiring embalming is 'to protect the public health' is not substantiated by any known scientific study." He quotes Bernadette Burden of the **Centers for Disease Control and Prevention** in Atlanta: "We have not at any point prescribed embalming as a method of protecting public health." This fact has been pointed out for years by consumer advocates Ruth Harmer, Jessica Mitford, Lisa Carlson, and lately

by Josh Slocum, Executive Director of the Funeral Consumers Alliance. Slocum wrote in the January 2007 issue of *Mortuary Management*:

"For an industry that constantly complains that it doesn't get the professional recognition that it deserves, funeral service seems clueless about how to earn it. Ignoring mountains of evidence and statements from the Centers for Disease Control won't make you a profession. Unctuous sympathy and evading direct questions won't do it either. The surest way to be recognized as a true professional — and to put critics like me out of business — is simply to tell the truth to your customers and give them real choice."

Finally, everyone should remember that when Pope John Paul II died in 2005, his body was viewed in public by thousands of people over three days without traditional embalming. The body was placed on a red velvet bier, propped by three red pillows. Several times during the viewing, the body was freshened up in some way, but the kind of arterial and body cavity embalming widely practiced in the United States was not employed with the Pope, according to the Vatican.

If such treatment was good enough for Pope John Paul II, it should be good enough for the United States funeral industry. It is time to demand an end to the tyranny of funeral directors' insistence on embalming for public viewing. While there may be some conditions that require it, the burden should be on the industry to identify those conditions and justify its position. Otherwise, public viewing without embalming should become as common as cremation, if families prefer it.

*Reprinted with permission from the Summer, 2007 issue of Creative Choices, the Austin Memorial and Burial Information Society newsletter. Lamar Hankins is an attorney in San Marcos, Texas, and past president of FCA National.*

# Consumer Protection Alert:

## FTC Rules on Four Consumer Issues Under the Funeral Rule

— *Note from Executive Director Joshua Slocum: Every FCA Affiliate should scrutinize the price lists they collect during price surveys for these important issues!*

Well, two out of three ain't bad. The Federal Trade Commission recently addressed four issues concerning the Funeral Rule and what it does and doesn't allow funeral directors to charge consumers. FTC staff decided three of these in a way favorable to families and their wallets. But one opinion is a step backward and opens the door to abusive, unfair charges for customers who refuse embalming.

Bad news first:

### Issue 1: Refrigeration Charges for Unembalmed Bodies

FCA has noticed many funeral homes charging cremation families or others who don't want embalming extra to refrigerate the body. SCI funeral homes have been the most aggressive about this, levying charges of up to \$300 *per day* starting as fast as six hours after receiving the body. In the end, many cremation customers end paying just as much as embalming customers simply because they exercised their right (under the Funeral Rule) to refuse embalming.

We've always considered refrigeration "ordinary sheltering" of the body for unembalmed customers. The Funeral Rule states that services "common to virtually all" funeral arrangements, such ordinary sheltering of the body, should be included in the basic services fee, not billed extra. Since the basic fee itself is included in the cost of a direct cremation, we think extra refrigeration charges amount to double-billing.

The FTC disagrees. In a staff opinion on March 21, The FTC stated that since some funeral homes do *not* routinely refrigerate all unembalmed bodies, refrigeration would *not* be common to virtually all funeral arrangements. Therefore, funeral homes should not include it in their basic services fee, but should charge for it separately, and only charge consumers whose dead are refrigerated. While this sounds reasonable on the surface, it has the perverse consequence of allowing funeral homes to charge anything they want (and often as much as they charge for embalming) to merely wheel the body into the refrigerator rather than embalm it. So much for controlling costs by refusing

embalming.

There is a silver lining, though. The FTC opinion also acknowledges that "a provider can only assess a non-declineable charge for refrigeration where refrigeration is required by law, by a particular cemetery or crematory, or where leaving a body unrefrigerated would be impossible, impractical, or excessively burdensome under the circumstances."

Plain English Translation: if your state doesn't require refrigeration, or doesn't require it for the first 24 or 48 hours, consumers can refuse to have the body refrigerated and refuse the extra fee. And no, the funeral home's "policy" of requiring refrigeration after, say, six hours, doesn't take that right away. Most bodies are fine for two days in temperatures of about 70 degrees (there are exceptions). Leaving them in a cool room, unrefrigerated, is not "excessively burdensome." Of course, it would be reasonable for a funeral home to insist on refrigeration in cases where decomposition sets in rapidly, when the weather is quite hot, or when there will be a long delay before disposition.

To read the full staff opinion, visit [www.ftc.gov/bcp/online/edcams/funerals/opinions/opinion07-2.pdf](http://www.ftc.gov/bcp/online/edcams/funerals/opinions/opinion07-2.pdf)

### Issue 2: Extra Charges for Automobiles

In the same opinion, the FTC stated that funeral homes may **not** charge consumers extra for the cars staff use to run ordinary errands, such as filing death certificates. In recent years, we've seen many funeral homes tack on this extra fee, which we believe should be included in the basic services fee. Once again, SCI has been at the forefront of this practice – many of their price lists include a \$95 charge for a "service vehicle." This is especially galling considering SCI funeral homes routinely charge thousands of dollars for their "basic services." If those "basic" services don't even include filing the death certificate, then what are they?

The FTC agreed with FCA's position, writing:

*. . . it is staff's opinion that that if using an automobile to obtain necessary permits and death certificates is common to virtually all forms of disposition or arrangements, then the charge for that service should be part of the basic services fee.*

For the full staff opinion, see the link above.

*(continued page 11)*

### Issue 3: Charging Extra for Taking Out the Trash

Ever since the FTC ruled in 1994 that funeral homes can't charge "handling fees" to accept caskets bought from outside their funeral home, some "enterprising" funeral directors won't give up looking for loopholes. In response to a request from Joseph DellaVecchia, Jr., of DellaVecchia, Reilly, Smith, and Boyd Funeral Home (can we have another surname please?) of West Chester, PA, the FTC said this:

*... when a customer purchases a casket from a third party, a funeral provider is prohibited from requiring that the customer purchase any other good or service, or pay "any fee" other than those permitted by the Funeral Rule. Requiring customers who use third party caskets to pay a casket handling fee would violate that section of the Rule. Likewise, it is staff's opinion that requiring customers who use third party caskets to pay a shipping container disposal fee or a casket storage fee would violate the same provision of the Rule.*

Yes, you read that right. Mr. DellaVecchia wanted to know if it was legal to charge customers extra to throw out the packaging the casket arrived in. Good grief.

### Issue 4: Charging Extra for "Shel-tering" a 3<sup>rd</sup>-party Casket

The ever-creative Mr. DellaVecchia, Jr., also asked what the FTC thought of charging customers extra to store the caskets they purchased from a casket dealer. We're not talking about long-term storage here; funeral homes aren't your local U-Stor-It and customers shouldn't expect them to be. We're talking about holding on to the casket for several days before the

planned funeral. Now, what funeral home **doesn't want** the casket to arrive early enough to make sure they can put the deceased in it and get the body presentable before the funeral? (Answer: funeral homes that are sore about losing the casket sale and willing to take it out on a grieving family).

The FTC put it plainly: storage fees for 3<sup>rd</sup> party caskets are nothing more than plain-old, already illegal casket handling fees:

*Thus, when a customer purchases a casket from a third party, a funeral provider is prohibited from requiring that the customer purchase any other good or service, or pay "any fee" other than those permitted by the Funeral Rule. Requiring customers who use third party caskets to pay a casket handling fee would violate that section of the Rule.*

See the above link while for the whole opinion. And while you're at it, surf on over to the lovely web page of the DellaVecchia et al funeral home at [www.drsofh.com](http://www.drsofh.com). You'll learn about their illustrious history — "The home was the very first in West Chester to have steam heat" — the various DellaVecchias (Jr., the 3<sup>rd</sup>, and more), their distinctive services — "many options to help our families in their time of need" — and you can even give them a boatload of personal information (name, DOB, military serial number) and ask them to "help" you prepay for your funeral. Oh, but you won't learn how much any of this costs. Heaven forbid a funeral home actually discuss prices on the Web (the very reason shoppers are visiting the site in the first place).

~♦~

## An Embarrassment of Riches

FCAA affiliates around the country put out fantastic newsletters. You'll find their price surveys (and how they did them), stories on local efforts to bring green burial options to the public, anecdotes on helpful funeral homes and cemeteries (as well as not-so-helpful ones), and more.

Best of all, more of our groups are getting their newsletters up on the Web. Here are some of our favorites.

**The Funeral Consumers Alliance of Greater Kansas City** — one of the best laid-out, thanks to retired newspaperman **Steve Nicely**, who edits the publication. FCA of KC's newsletter has top-quality feature articles researched and written in-house:

[www.funerals.org/KansasCity](http://www.funerals.org/KansasCity)

**The Funeral Consumers Alliance of Maryland and Environs** — FCAME President **Nancy Herin** is a gifted writer, and one of the most expert FCA volunteers when it comes to deceptive funeral practices. Her newsletters are always good reading, and the Spring, 2007 edition is a particularly fine primer on how some funeral homes extract the maximum profit through tricky tactics on their price lists:

[www.mdfunerals.org](http://www.mdfunerals.org)

**The Funeral Consumers Alliance of the Virginia Blue Ridge** — our youngest and smallest affiliate puts out publications and community information far above what you'd expect from such a small group:

[www.funerals.org/fcavbr](http://www.funerals.org/fcavbr)

If back issues of your newsletter aren't online yet, what are you waiting for? They're a great way to serve the public for free and stoke interest in people who might become members to make sure they get each one when it's hot off the press.

## IN THE NEXT ISSUE

**Funerals go co-op**

**Standards for cooperating funeral homes**

**Funerals go to college**

**New FTC decisions**

**Defending religious burial rites**

**Viewing without embalming**



**Summer, 2007**

### ***Funeral Consumers Alliance***

A Federation of Nonprofit Funeral Information Societies  
33 Patchen Road  
South Burlington, VT 05403

Nonprofit  
Organization  
U.S. Postage  
Paid  
Burlington, VT.  
Permit no. 478

### ***Return Service Requested***

Postmaster, please return newsletter with addressee legible for remailing

## **Subscribe to the FCA Online Discussion List!**

Want to talk about death and funerals, but can't find a conversation partner? Have questions about funeral practices, laws and regulations, or about FCA affiliate groups? The FCA email discussion list is open to anyone. Join by sending an email to:

[join-deathcare@lists.listmoms.net](mailto:join-deathcare@lists.listmoms.net)

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.*

*FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:*

**Funeral Consumers Alliance  
33 Patchen Road  
South Burlington, VT 05403  
[www.funerals.org](http://www.funerals.org)**