

**Comments of the U.S. PIRG Education Fund
FTC Funeral Industry Practices Rule,
Funeral Rule ANPR, Matter No. P034410, Docket ID FTC-2022-0067-0001**

17 January 2023

Summary:

Funeral homes already must have printed price lists to give to people in person. It should be simple to put that information online. According to the FTC, about 40 percent of funeral homes already provide some online pricing¹. About 24 percent offer an itemized price list. All funeral homes with a website should provide online pricing. There should not be any “small-funeral-home” exception.

It would ease burdens on grieving families who now must often visit homes, during a difficult time, to obtain price lists.

Requiring online pricing would also promote competition by making it easier for consumer surveyors and the media to post comparison price lists.

However, recognizing that many funeral providers are small businesses, changes to the existing rule should be simple and easy to comply with.

Introduction:

Planning funeral arrangements is an incredibly stressful time for families, regardless whether the death was expected or not.

¹ Shopping for Funeral Services Online: An FTC Staff Review of Funeral Provider Websites, October 22, https://www.ftc.gov/system/files/ftc_gov/pdf/P034410ShoppingFuneralServicesOnlineReport.pdf

People are extremely vulnerable when they're planning a funeral, and they need to be provided with clear, accurate information. There's a reason there are rules, because regulators recognize it's so important for grieving families to get straight-forward information without a funeral home playing games or giving them only some of the information.

We've all been in situations where you're filled with emotion and you have to process a bunch of information quickly. Maybe it's bad news like a medical diagnosis or good news like a job offer. When your mind is swirling, it can be difficult to ask the right questions and fully process the answers. And, of course, funeral homes catch aggrieved consumers at their most vulnerable while they're trying to honor the memory of their loved one.

The Funeral Rule was finalized in 1982, before the development of the Internet. The FTC has been considering updating the price disclosure rule for several years, beginning with a Rule Review" in 2020, then resulting in commission approval of this ANPR.²

Many would think it's long overdue. It really came to a head during the first year of the pandemic, when families couldn't visit a funeral home in person or didn't want to. During that time, a funeral home didn't have to give you price information over the phone or by email or online. Now some do provide it; about 40 percent provide pricing online. So clearly, it's do-able.

As the FTC itself has noted, providers do communicate with consumers in a variety of ways -- including websites and via electronic communication -- but generally not to share prices:

"The record shows funeral providers typically use websites and electronic communication to communicate with the public about a variety of information,

² "Based on the comments received in response to the Rule Review, along with the prior rulemaking records and the Commission's experience enforcing the Rule, the Commission has determined the Rule continues to serve a useful purpose and should be retained. The Commission now seeks additional comment on possible modifications to the Funeral Rule."
<https://www.regulations.gov/document/FTC-2022-0067-0001>

ranging from their contact information, obituaries, information about any funeral, graveside, or memorial services, pictures of caskets, and descriptions of the services they offer. **Most, however, appear not to use such technology to share their prices with consumers.**³ [Emphasis added.]

The FTC found that more than 60 percent of funeral homes provide little or no pricing information online. It's been about 25 years since internet usage and computers became fairly mainstream. It's stunning that all funeral homes with a website wouldn't post prices online, even if they aren't required to.

We can't think of any good reason funeral homes would push back on this, since they already must have printed price lists to hand out in person. Yet many funeral homes oppose providing prices online. The lack of transparency is curious, and it's not good for consumers.

Funeral homes catch aggrieved consumers at their most vulnerable while they're trying to honor the memory of their loved one. It's an opportunity to upsell or increase prices. Consumers can't really shop around, nor do they have the time or state of mind to visit multiple funeral homes, which is the only way to comparison-shop. Online disclosures would help consumers compare prices more quickly and would allow customers to make sure after the fact that they weren't overcharged.

Conclusion:

There are many benefits to online disclosure. Key benefits include the following:

One, it lays out your rights under the existing rule. For example, that you don't have to pay for embalming or an outer container and you don't have to buy one thing, like a casket, in order to get another service.

Two, it's good for comparison shopping.

³ <https://www.regulations.gov/document/FTC-2022-0067-0001>

Three, it's good after the fact to make sure you were charged appropriately, when you have a chance to think straight.

We also concur with the detailed comments of other consumer organizations, especially those of the Consumer Federation of America⁴ and the Funeral Consumers Alliance.⁵

In particular, we concur with these CFA recommendations:

“CFA believes that two changes to the Funeral Rule would especially benefit consumers now, and to an even greater extent, in the future: Requiring funeral providers to post price lists on their primary online consumer information source (today, websites) and to provide these price lists to customers when discussion of funeral arrangements begins, online as well as in-person.”

Thank you for your consideration of our views. Please contact us with any questions.

Respectfully submitted, for the U.S. PIRG Education Fund,

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U.S. PIRG Education Fund is an independent, non-partisan group that works for consumers and the public interest. Through research, public education and outreach, we serve as counterweights to the influence of powerful special interests that threaten our health, safety or well-being. U.S. PIRG Education Fund is part of The Public Interest Network, which operates and supports organizations committed to a shared vision of a better world and a strategic approach to social change.

⁴ <https://www.regulations.gov/comment/FTC-2022-0067-0127>

⁵ <https://www.regulations.gov/comment/FTC-2022-0067-0060>