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Q&A

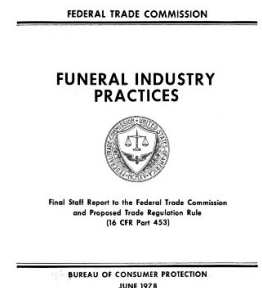
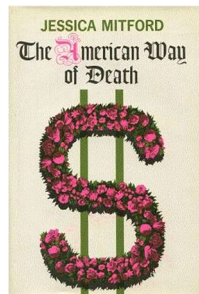
Q: So... what's your call to action?

A: Well, the greatest help is to 1. Be aware of the death industry and its potential for arguably 'predatory' profit motives given the short amount of time that grieving consumers have to arrange a funeral and that there's no known price range for how much this stuff should cost. Funeral service purchases are very rare, it's not like buying groceries or maybe even a car, where you or someone you know has at least bought or sold one a few times in their lives.

I urge you to read the FTC's 1978 report about the sales tactics and strategies funeral homes can use to boost profits and get consumers to spend more. Most of them (more likely corporate, investor backed ones) may charge more or use more of these tactics. Casket room design, subtle suggestions like your loved one deserving of a better (and more expensive) service or how that casket you picked could be better. Sorry, but you mix profit-driven sales with families grieving for their loved ones that will never mortally exist again, and um.....

So look this up "federal trade commission staff report on the funeral industry 1978 pdf" on google and find the HatiTrust website result, then click on one of the "Full View" links under the Viewability button. Or scan the QR code below.

<https://www.youtube.com/watch?v=xRNAqntsLPI> – Here's a video documentary in Canada on the matter.



You can also purchase the American Way of Death by Jessica Mitford, which was published 15 years earlier than the above report, but also talks about how the industry is. And I don't think it's really changed since. Some people would say that companies have gotten greedier in the past many years, as consumers become less educated and more strapped for time. In my opinion there hasn't been huge changes to solve this.

There also are various articles and writings on the matter. I think it's still important to remember that even if some people perceive corporate funeral companies as bad, that, independent or locally owned homes still have their own profit incentives and have to manage within their market. It's also hard to judge any company as worse or better than any others without some sort of collected on the ground research and data, which, does not exist in our area. So, I'm not a local funeral expert, but I think there are some things worth being aware of.

Also check out Consumer Federation of America. They have a short section talking about funeral homes.

<https://consumerfed.org/funerals/>

I'm going to dedicate the next several pages to snippets from the old ftc report talking about funeral homes. At the end of these screenshots, I'll give you the pages of interest in that report for your own reading. Yes, I know, this is an old report, but even since the report, in terms of only regulations; there has not been huge changes in the US that majorly curtail some of these tactics. This is a very special type of industry, that when combined with sales focused profit motives, can exploit the vulnerability of the customer both emotionally and economically.

Just remember though, not all companies, locations, markets areas are the same. This is just a general funeral idea guide that could be applied to anywhere in the US.

Section V. THE FUNERAL CONSUMER

A. Introduction

Purchase of a funeral is one of the largest expenditures most consumers make within their lifetimes. It is a purchase made out of necessity rather than choice. Frequently, those forced into the role of funeral arranger are the grief-stricken spouses, children, or other close relatives or friends of the deceased. The psychological and emotional trauma of such a loss can profoundly influence the decisions that are made and the consumer's ability to make rational choices. Inexperience in making funeral arrangements and a general unavailability of useful information contribute to a high level of consumer ignorance in this transaction. In addition, funeral decisions usually must be made under severe time pressures. These factors make the funeral purchase markedly different from most other consumer transactions.

The record evidence and scholarly research in the area of bereavement make it clear that many funeral buyers are indeed disadvantaged and vulnerable. This vulnerability has been recognized for many years by the courts.¹ In a case involving the reasonableness of the funeral bill as an expense charged against the estate of the decedent, one court contrasted the condition of consumer buyer and funeral director seller in the funeral transaction:

One of the practical difficulties in such proceedings is that contracts for funerals are ordinarily made by persons differently

¹ For example, in Drumme v. State Board of Funeral Directors, 13 Cal. 2d 75, 79-80, 87 P. 2d 848, 851 (1939), the court noted:

It is a matter of common knowledge that during that period [while death is impending or immediately thereafter] the people involved are distraught and emotionally distressed. The obvious purpose of the section [prohibiting "solicitation of dead human bodies"] is to prevent embalmers and undertakers from taking unfair advantage of their patrons at a time when such patrons are in no condition to withstand pressure.

situated. On the one side is generally a person greatly agitated or overwhelmed by vain regrets or deep sorrow, and on the other side persons whose business it is to minister to the dead for profit. One side is, therefore, often unbusiness-like, vague and forgetful, while the other is ordinarily alert, knowing and careful.²

The handicapped bargaining position of the funeral purchaser is the product of a number of different factors. The most significant of these are:

- (1) Emotional trauma;
- (2) Guilt;
- (3) Dependency and suggestibility;
- (4) Ignorance; and
- (5) Time pressure.

Although these conditions of bereavement might be considered obvious and beyond dispute, some members of the funeral industry questioned the vulnerability of funeral consumers.³ However, other funeral industry consultants⁴ and

² In re Flynn's Estate, 134 N.Y.S. 874, 75 Misc. Rep. 87 (1911). See also Mashburn v. State Bd. of Funeral Directors, 132 Cal. App. 2d 126, 136, 281 P.2d 577, 583 (4th Dist., 1963).

³ For example, the two largest trade associations, NFDA and NSM, in their proposed designations of disputed issues of fact disputed the contention that bereaved funeral buyers are vulnerable. See Comments of NFDA, II-D-2 at 3 and Comments of NSM, II-D-1 at 2. In addition, funeral directors testified that, in their experience, the consumer making funeral arrangements is no more vulnerable than the consumer who arranges for hotel accommodations or purchases a speed boat. G. Hutchens, Pres., Missouri FDA, Tx 4870. NFDA past president Edward Fitzgerald stated ". . . most people are not vulnerable Most people are quite calm and knowledgeable." L.A. Ex. 3 at 6 (emphasis in original).

⁴ Various industry witnesses acknowledged the vulnerability of funeral consumers. See, e.g., E. Jackson, Vermont pastoral psychologist, Tx 5322; V. Pine, Professor of Sociology, State University of New York at New Paltz, Tx 10,813; Dr. J. Folta, Associate Professor of Sociology, University of Vermont, Tx 12,025; Rabbi E. Grollman, Massachusetts Commission on Mental Health member, Tx 840. These witnesses all serve regularly as consultants to NFDA.

publications state that "there is no more difficult period than that encountered immediately after a death occurs."⁵ This section of the report will examine these characteristics of the funeral purchaser, because an understanding of the context in which funeral arrangements are made is an essential part of determining the possible unfairness or deception of particular funeral practices.

B. Emotional Trauma

The emotional and psychological characteristics of the bereaved consumer have been identified by numerous researchers working in the field of thanatology - the study of death, dying and bereavement. Lily Pincus, social worker and founder of The Institute for Marital Studies at the Tavistock Institute for Human Relations, has written that "all studies agree that shock is the first response to death of an important person, and that shock will be particularly pronounced at sudden unexpected death. It may find expression in physical collapse . . . in violent outbursts . . . or in dazed withdrawal, denial, and inability to take in the reality of death."⁶

Dr. Collin Murray Parkes' empirical study of recent widows likewise noted that [u]ntil she [the widow] has 'taken in' the fact of her bereavement, she seems, in the phase of numbness or shock, to be confused and disorganized. She has no plans that will enable her to cope with the situation and needs time and protection from intruders. . . . In general, the first 24 hours is too soon for strangers to call. The bereaved person is still in a state of numbness or shock and is not yet ready to come to grips with . . . her confusion."⁷ Several individuals involved who regularly have contact with the bereaved during this "shock" period noted the effects of bereavement in their testimony. John Hammon, a Unitarian minister, observed that "Grief with its tearing emotion numbs calm and deliberate reasoning" ⁸ Merrill Faux, a

⁵ When A Death Occurs (1974) (NFDA pamphlet), Hausmann, Ex. 1 (NY). See also The Funeral: Facing Death as an Experience of Life (1974), (NFDA pamphlet), Hausmann, Ex. 1 (NY); E. Martin, Psychology of Funeral Service 115 (5th ed. 1970) ("Grief probably upsets the individual more than most of the other emotions, . . .").

⁶ L. Pincus, Death and the Family: The Importance of Mourning 113 (1974).

⁷ C. Parkes, Bereavement: Studies of Grief In Adult Life 154, 169 (1972).

⁸ Tx 463.

consultant, has described bereaved individuals as generally "consumed with grief and pain and guilt."¹⁸ As a result, the bereaved may seek restitution by purchasing an expensive funeral as a "final gift."¹⁹ This effect has been recognized by many researchers and by individuals who deal directly with the bereaved.²⁰

Psychologist Dr. Milton Blum, in a study of the attitudes and reactions of South Dade County residents toward funeral arrangements, also found that, in many cases, feelings of guilt do indeed prompt a substantial purchase.²¹ Guilt, or the desire not to feel guilty, motivated several of those interviewed to purchase more expensive funeral accoutrements:

Guilt - you don't want to feel guilty
that you didn't do right by them.

. . . They wouldn't want to feel like I
was trying to be economical and put them
in, trying to save myself money and this
is the last thing I can do for this person
and I might as well be doing something decent.

I think if it's somebody very close to you,
like this last arrangement I made for my
mother--my brothers and I said, 'Well, what's
a few more hundred dollars?' 'It is our mother.'
I wouldn't want it on my conscience to know
that I didn't do as well as I possibly could,
whether it was \$1,500 or \$2,000.²²

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A final element which is related to the guilt reaction and the desire to make proper arrangements for the deceased is a concern with the comfort, protection and security of the body of the deceased. It is understandable that survivors, not having fully accepted the fact of death, desire to care for the departed loved one as they always have. Moreover, they cannot bear to think of the body decomposing, so they will do everything possible that will help to prevent decomposition of the remains and provide protection for the body.²⁷

Thus, guilt feelings and related concerns may operate as the primary motivation for purchase of a particular type of funeral or specific products. Such feelings may lead to the purchase of an elaborate casket and services to impress the community or to an unwarranted expense for embalming, a sealer casket, and a vault in the belief that they will preserve and protect the remains. While the funeral purchase may provide an opportunity for resolution of these guilt feelings,²⁸ it also creates a potential for exploitation.

The funeral director, however, knows that his business success is dependent on merchandising.⁷ Various sales techniques characterize casket selection rooms and influence consumer "selection" of caskets in the overwhelming majority of funeral homes throughout the country. Consumers who enter the transaction ignorant about the cost of caskets and the alternatives available often remain ignorant of the cost of their selection until they later receive their final bill. Great concern for the body of the deceased and ignorance of legal requirements and casket features are common. These factors, disorientation, and a desire to escape quickly from the emotionally painful casket room allow consumers to be heavily influenced by oral sales presentations, room arrangement, subtle lighting variations and suggestions about what is suitable or appropriate.

While it will not be obvious to unwary consumers, the simple lay out of the casket selection room is crucially important to the strategy of selling profitable merchandise. The display of caskets in the display or selection room is by no means random or the simplest, most direct, arrangement possible. It is usually the product of much shrewd analysis and is carefully calculated to enhance the sale or "selection" of the more expensive, more profitable caskets as subtly and undetectably as possible.¹²

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- ¹⁰ In an insider's look, by a funeral director, the situation was described in these terms:

It is here [the casket selection room] that the money is made, and a great deal of attention is lavished upon it, to insure that the quarters are arranged in a manner conducive to the sale of high-priced goods. No stone is left unturned in an effort to achieve ideal conditions. There are instances in which thousands of dollars have been spent by funeral men to change the shape of the room in order to achieve the desired psychological goals.

Coriolis, *Death Here Is Thy Sting*, 92 (1967).

- ¹¹ See generally V. Pine, *Caretaker of the Dead* 58, 61 (1975).

- ¹² In The American Way of Death 24 (1963), Jessica Mitford stated that:

The uninitiated, entering a casket selection room for the first time, may think he is looking at a random grouping of variously priced merchandise. Actually, endless thought and care are lavished on the development of new and better selection room arrangements, for it has been found that the placing of the caskets materially affects the amount of sale.

Since the objective is to sell above the median, Krieger recommended that the first casket the customer encounters be at the high end of the price range, but not too high. Based on the psychological reaction by the customer to this more expensive unit, the second casket shown should offer a "real drop" in price and observable quality using the principle of "contrast." The customer is then ready to be shown the third and final casket in the grouping, a "rebound unit"

Student funeral directors also learn many of these strategies in mortuary science schools which stress merchandising in their curricula.³¹ At NFFS, the undercover work of a journalist posing as a student revealed the content of the merchandising curriculum in the nation's leading mortuary school. NFFS maintains model selection rooms for teaching sales techniques,³² and its merchandising courses emphasize the "balanced line" and "avenue of approach" methods.³³ Moreover, NFFS sponsors continuing education seminars on a regional basis and offers a cassette tape training program on merchandising through selection room strategies.³⁴ Other mortuary science school curricula contain similar merchandising instruction. An Arkansas funeral director testified that he currently uses the keystone approach which he was taught, along with the avenue and resistance methods, at the Dallas School of Mortuary Science in 1972-73.³⁵ The Director of the University of Minnesota mortuary science department, who is NFDA's educational consultant, stated that he currently teaches methods very similar to Krieger's techniques of selection room arrangement,³⁶ as does the dean of Simmons School in New York.³⁷ According

to the Dean and a former student, the San Francisco College of Mortuary Science likewise instructs its students in a Krieger-like method of merchandising.³⁸ Literature available at the Los Angeles College of Mortuary Science library contains these same merchandising strategies.³⁹ Other funeral directors testified about similar training in the techniques for selling more expensive merchandising.⁴⁰

In addition to these broad merchandising strategies, a number of specific practices were identified in the course of the investigation for which remedies are contained in the recommended rule.

Failure to Display Inexpensive Caskets. One technique for ensuring that less profitable inexpensive caskets are not sold is simply to not display them at all or to display them in a manner calculated to discourage their purchase. Naturally most consumers will make their selection from merchandise they can readily see.⁴¹ If lower priced caskets

The funeral director's efforts to persuade a consumer to spend extravagantly may begin as soon as an interest in economy or prices is apparent. One consumer testified that when he began asking questions about prices, the funeral director "behaved as if we did not have this right."¹⁰⁰ A New York state investigator who posed as a bereaved consumer on several occasions noted that subtle pressures can be effective. When he asked for less expensive merchandise, the funeral director's response could be quite chilling, and sometimes quite subtle--"a look on the face could say more than quite a few words."¹⁰¹

A number of funeral directors are not, however, content with using simply an appalled look to shape the consumer's purchase. A variety of other forms of more overt pressure and manipulation have been used as well. Often, the technique appears to be to appeal to the consumer's sense of guilt, helplessness and desire to do everything possible to honor the deceased and provide a respectful funeral.¹⁰² The record contains a number of reports of funeral directors manipulating customers into purchasing more expensive merchandise.¹⁰³

Consumers stated that when they attempted to purchase inexpensive caskets, they were humiliated¹⁰⁴ or made to feel that they were not properly honoring the deceased.¹⁰⁵ Others offered quotes from the funeral director's efforts to shame them into a more expensive purchase:

This is the last act you can perform for your mother.¹⁰⁶

He deserves something better than that.¹⁰⁷

Consider what the neighbors will think when they see the casket.¹⁰⁸

Spend enough to do credit to the deceased.¹⁰⁹

[This is] the last loving act you can ever perform for him.¹¹⁰

Congresswoman Cardiss Collins¹¹¹ testified that when her husband died, the funeral director said to her, "[W]ell, now, Mrs. Collins, you know you've got to have a really nice

Similarly, a funeral director reported being taught at mortuary science school how to "persuade the clients to spend more on funerals," with specific references to "explaining that this is the last thing they can do for the deceased." He also testified about a psychology course which discussed "the guilt complex," "the anger complex" and the strategy of getting "people to pity themselves and to really try to show their love" by purchasing a more expensive casket.¹¹⁴

Commission Sales. One other practice which bears on funeral home merchandising tactics is the use of compensation reward systems linked to the size of funeral sales which encourage funeral director salesmen to use manipulative and deceptive techniques to increase sales. Typical of such systems is the payment on a commission basis of funeral employees who arrange (or sell) funerals. Human nature indicates that under such compensation plans, funeral home employees have additional incentives to use various sales strategies to sell expensive items and thereby undermine the customer's exercise of free choice. Unlike other markets where sales fluctuations can be great or markets large, there is no economic reason why a funeral home needs to compensate its employees with reference to the size of their sales, except to encourage more aggressive salesmanship.

received from consumers who were forced to pay for components of the complete service which either were not desired or were not performed.⁴⁶ For example, in several instances the family did not want limousine service, but paid for it because it was included in the package price.⁴⁷ Other consumers complained of being charged unnecessarily for such services as embalming, use of the chapel, or certain staff functions.⁴⁸ Sample quotations illustrate the reasons for this consumer dissatisfaction:

We paid the same fee for not using their chapel as if we had used it.⁴⁹

The undertaker had no right to make a charge for an item that was not furnished.⁵⁰

[Price] was not broken down and we were not given a discount for not using the visitation rooms and time.⁵¹

Why must a package funeral be bought if you only want to be cremated immediately?⁵²

I resent paying for what we did not want.⁵³

What bothered me most is that you bought a packaged deal.⁵⁴

We were told the body would still be made up for viewing, even if the casket were closed, and even though we did not really want viewing, the price included this⁵⁵

Even in rare instances where the consumer took the initiative to ask for a breakdown of prices in the package, funeral directors refused to provide detailed price information.⁵⁶ One consumer said that the funeral director he asked to itemize the cost of funerals made him feel that he had no right to the information.⁵⁷ Incidents were reported

in which funeral directors flatly refused to provide detailed price information. A considerable number of funeral directors actually will not reduce the price when items of service and merchandise are declined by the customer.⁵⁸ One funeral director stated his reasoning for such extra charges in response to a customer who was concerned about possible double-billing:

Our prices are figured on our overhead for a year and this average per funeral overhead is what we base our complete funeral price on. We do not list each of our items of service separately so therefore do not deduct from one complete service price.⁵⁹

This explanation regarding fixed expenses was reiterated by another mortician.

[T]he overhead continues. If they don't want to use the chapel, they have to pay for it on the basis that I have to operate this building.⁶⁰

Other funeral directors, however, said that they do credit the bill if any services or merchandise are declined

because requiring a consumer to pay for services and merchandise not used is totally unreasonable.⁶¹ The NFDA agrees that "if the quoted price includes a basic component of a funeral . . . which is not desired, then a credit therefore should be granted."⁶² Similarly, NSM has incorporated into its code of ethics a provision requiring such credits.⁶³

In practice, however, this stated policy is virtually meaningless because funeral homes rarely inform a consumer, in advance, of his option to decline any services or merchandise offered in the package deal. Consequently, the consumer has no way of knowing that declining certain items will produce any price savings, particularly because in many funeral homes it will not. Several funeral directors admitted that though they give credit for declined services, they do not inform their customers of this option.⁶⁴ Neither the NSM code of

Finally, itemization will also have a beneficial impact on competition in the funeral industry. The increased availability of information will correct the general lack of price information which economists consider to be the primary reason for the absence of vigorous competition among funeral directors.¹⁶⁰ For this reason, economists testified that requiring funeral directors to provide customers with an itemized price list in advance will directly contribute to increased price competition among funeral homes.¹⁶¹ Specifically, the itemized price list will enable consumers to compare the services and merchandise offered by various mortuaries and make a price-informed decision on which home to deal with. In conjunction with the telephone price information provision, itemization will further facilitate comparisons even after a death has occurred. This theoretical assessment of the rule's expected impact on competition is confirmed by the experience in states which require a modified version of itemization.¹⁶² By stimulating competition which in turn will force the market and individual establishments to operate more efficiently, itemization may result in lower funeral prices.¹⁶³

In striking contrast to this overwhelming support for itemization by consumers, consumer groups and others, the organized funeral industry vigorously opposed these rule provisions on the grounds that itemization would inevitably result in increased prices. Numerous trade association spokesmen

other funeral directors asserted that if they were required to switch from unit to itemized pricing, prices would increase - "the sum of the parts would be greater than the whole".¹⁶⁴ However, examination of the industry's argument on this point reveals that the assertion is not supported by the evidence.

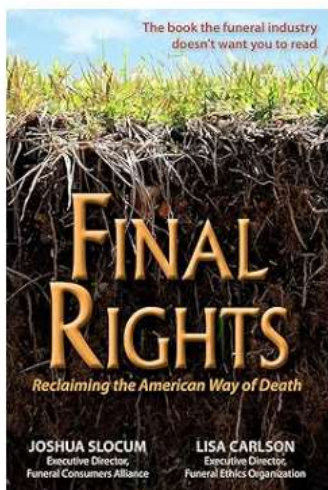
Neither NFDA nor NSM, major trade associations who already possess the data and the resources to conduct statistical analyses of funeral pricing, provided probative evidence to support their claims.¹⁶⁵

A portion of NSM's presentation at the hearings focused on the itemization issue. The first element of their attempt to demonstrate the inevitable consequence of itemization was the testimony of NSM member Russel Johnson, a funeral home owner from Indiana. Mr. Johnson stated that, after examining the unit-priced funerals sold by his mortuary during the previous six months and recomputing his charges under an itemization system, the prices would have been higher under itemization.¹⁶⁶ Specifically, Mr. Johnson reported that he would have charged his customers \$5,000 more under the itemized quotation system.¹⁶⁷ However, when questioned about the precise cause for this increase, Mr. Johnson could not provide a satisfactory explanation.¹⁶⁸ In fact, it appears that Mr. Johnson's hypothetical price increases were purely voluntary¹⁶⁹ and therefore of no probative value on the issue.

Remember to look at first page-

And look, that's just what was from that report alone.

Here's some quotes from Final Rights: Reclaiming the American Way of Death, these pages can be found [online on google books](#)



Final Rights: Reclaiming the American Way of Death

Death Paperback – July 27, 2021

by [Joshua Slocum](#) (Author), [Lisa Carlson](#) (Author)

4.7 ★★★★★ (106) 4.1 on Goodreads 104 ratings [See all formats and editions](#)

Josh Slocum and Lisa Carlson are the two most prominent advocates of consumer rights in dealing with the death industry. Here they combine efforts to inform consumers of their rights and propose long-needed reforms. Slocum is executive director of Funeral Consumers Alliance, a national nonprofit with over 90 local affiliates nationwide. Carlson is executive director of Funeral Ethics Organization, which works with the industry to try to improve ethical standards. In addition to nationwide issues, the book covers state-by-state information needed by anybody who wishes to take charge of funeral arrangements for a loved one, with or without the help of a funeral director. More information about the book and related issues can be found at www.finalrights.org.

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