

EXPAT WORLD REPORT

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EVEN PT'S DIE

THE GREATEST GIFT TO THE DEAD SAVE THOUSANDS BY PLANNING AHEAD

Normally, Expat World keeps the reporting of things to anomalies of everyday life to help you beat the bureaucracies, but today we deal with the dead or soon dead to be.

Undertakers are rated by some as having less integrity than lawyers and with less sense of decency also. They take advantage of the living in their weakest moments upon the death of a loved one.

Expat World clues you in to beating this undertakers' bureaucracy with just some advanced intelligent maneuvers.

Here are some of the things you should know about your rights to a funeral and services:

- You have the right to comparison shop by phone for a funeral and funeral home services. By law, funeral directors must give you specific answers to specific questions regarding types of services available and pricing.
- If you inquire in person at a funeral home about arrangements, the funeral director must provide you with a preprinted "General Price List"; a complete itemization of all services offered and the corresponding prices.
- Embalming is not required by law... except in 3 specific circumstances; death by infectious disease, a prolonged period of time between death and burial, or most commonly, a public viewing or wake.
- If a funeral director is making a cash advance for such items as flowers, obituary notices, grave opening and closing fees, clergy honoraria, pallbearers, etc., it must be disclosed if any money is being made on the transaction. It is advised to ask for cash receipts!
- A casket is not required for a direct cremation. An inexpensive alternative container is all that is required.
- The funeral director must provide an itemized accounting, known as the statement of goods and services, showing the total cost of the funeral merchandise and/or services selected.
- Funeral providers are strictly prohibited from making any claims that a product or service will indefinitely preserve the remains.
- Many funeral homes are owned by large publicly traded corporations. Market research indicates that a corporately owned funeral home tends to be significantly higher in cost. Ask your funeral director if the funeral home is independently owned and operated or is it part of a chain.
- More and more funeral directors no longer do their own embalming or initial pickup of the remains.

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Ask the funeral director if he is providing these services or is it contracted to an outside source.

SHOP THE BASIC SERVICE FEE: When you select a funeral home to handle the service portion of the funeral, there is one itemization that is non-declinable: THE BASIC SERVICE FEE OF THE FUNERAL DIRECTOR AND STAFF. The BASIC SERVICE FEE amounts to somewhat of a cover charge for doing business with the funeral home and does not include any of the other services provided such as transfer of the remains, refrigeration, embalming and use of the facilities just to name a few of the costs. The BASIC SERVICE FEE is a discretionary charge that ranges from the hundreds to thousands of dollars! THE HIGHER THE BASIC SERVICE FEE, THE HIGHER THE OVERALL EXPENSES MAY BE... THE LOWER THE BASIC SERVICE FEE, THE MORE ROOM THE CONSUMER HAS TO NEGOTIATE.

THE BIGGEST SAVINGS YOU CAN HAVE ON A QUALITY, YET AFFORDABLE FUNERAL IS: PRE-PURCHASE YOUR CASKET FROM AN INDEPENDENT DEALER

Until recently, the only place where you could purchase a casket was from a licensed funeral home at a cost that would average in the thousands of dollars! Thanks to a 1994 ruling by the Federal Trade Commission, you are able to provide your own casket most certainly at a greatly reduced cost. By providing your own casket to the funeral home, you are saving a major portion of the traditional funeral expenses.

THE FEDERAL TRADE COMMISSION RULING (RULE 16 C.F.R. PART 453)

The F.T.C. has ruled that funeral homes can no longer condition the purchase of a casket with the purchase of other funeral goods and services. If you are purchasing a casket from a source other than a funeral home, the funeral home of your choice must use the casket you have provided without duress or embarrassment to the consumer. This will save you thousands of Dollars!

The FTC regulation also says that:

Funeral Homes cannot require consumers to buy unwanted or unneeded goods and services to get the items that they do want. Consumers must be able to choose only the goods and services that they want, with certain limited exceptions noted below. Accordingly, you cannot condition the furnishing of any funeral good or service to a consumer on the purchase of any other funeral good or service except for your basic services fee and any items required by law. You also cannot refuse to serve a family because they do not purchase one particular item (e.g., a casket or embalming) or a combination of items or services from you.

In addition, you cannot include the charge for an optional item of service (such as embalming) in a non-declinable basic services fee. This would have the effect of making the optional item a required purchase for every customer. The Rule expressly prohibits you from charging any fee, as a condition of furnishing any funeral goods or services, other than the fees for:

- The basic services of funeral director and staff (the one non-declinable fee allowed by the Rule);
- The funeral goods and services selected by the consumer; and
- The funeral goods and services required to be purchased by law (or by the cemetery or crematory), (as identified and explained on the itemized Statement (see Statement of Funeral Goods and Services Selected: Information and Disclosures under Cost Information).

This means that you cannot charge an additional fee or surcharge to consumers who purchase a casket elsewhere. Such a fee would not fall within the three categories of allowable charges listed

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above. This extra "casket handling" fee is simply a hidden penalty for those consumers who exercise the right to purchase a casket from another seller.

Moreover, you cannot alter your prices based upon the particular selections of each customer. Such a practice also would defeat the purpose of the Rule to give people accurate, itemized price information that affords them the opportunity to select the arrangements they want.

Exceptions: The three exceptions to the consumer's general right to choose only the goods and services wanted are:

- The one non-declinable basic services fee;
- Items required by law (or by the cemetery or crematory); and
- Impossible, impractical or excessively burdensome requests.

Funeral directors do not have to comply with such requests. However, a funeral director cannot refuse a request simply because they don't like it or don't approve of it.

Example of the third exemption: During July, a family requests that a funeral occur five days after death, but does not want embalming. The funeral home doesn't have refrigeration facilities. Your state law does not require embalming under any circumstances. However, in this situation, the funeral home can refuse to provide these arrangements, unless the family buys embalming. The funeral home can consider such a request impractical or excessively burdensome. Note: If a customer requests an item that the funeral home does not normally offer, the funeral director does not have to comply with the request. However, he is free to do so.

"Free" Items: Funeral homes cannot list any of the 16 items required to be separately itemized on the GPL as "free" or "no charge." Because they recover the cost of the free item in your other prices on the GPL, the customer may not have the choice of rejecting the charge. However, the funeral home can offer items not required to be separately itemized on the General Price List (such as acknowledgment cards) at "no charge," as long as the state or local laws do not prohibit this practice.

MISREPRESENTATIONS PROHIBITED BY THE RULE:

The Funeral Rule prohibits specific misrepresentations in six areas.

1. Embalming -- Funeral Homes cannot tell consumers that state or local law requires embalming if that is not true. If state law does require embalming, they may tell the family that embalming is required due to the specific circumstances.

Example: Your state law requires either refrigeration or embalming after a certain period of time. If the funeral home has refrigeration facilities available, they must give the consumer the option of either refrigeration or embalming. They also must tell the consumer in writing that embalming is not required by law except in special circumstances, if relevant. The funeral home does this normally by including on their GPL the mandatory embalming disclosure discussed in Embalming.

Note: Funeral homes must make this disclosure to all consumers, even if embalming is necessary. Unless state or local law requires embalming, funeral homes may not tell consumers that embalming is required for practical purposes in the following situations:

- When the consumer wants a direct cremation;
- When the consumer wants an immediate burial;
- or
- When refrigeration is available and the consumer wants a closed-casket funeral with no formal viewing or visitation.

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Example: A family wants to arrange a funeral with a formal viewing. The funeral will take place three days after death has occurred on a hot summer day. Your state does not require embalming. The funeral home does not have refrigeration facilities. In this situation, the funeral director can tell the family that the funeral home requires embalming as a practical necessity to delay decomposition of the remains and to preserve them for viewing. The funeral director may not tell the family that the law requires embalming because this is not the case.

Example: A family wants to arrange an immediate burial, but does not want to pay for embalming. Embalming is not required by your state law. Before burial takes place, one family member wants to look briefly at the deceased by lifting the lid of the casket. Here, the funeral home may not tell the family that embalming is required. The request to see the deceased does not constitute a formal viewing.

In situations like the above example, the funeral home also cannot require the family to pay for "other preparation of the body," if they decline embalming.

2. Casket for Direct Cremation -- Funeral Homes cannot tell consumers that state or local law requires them to buy a casket if they are arranging a direct cremation. (A direct cremation is one that occurs without any formal viewing of the remains or any visitation or ceremony with the body present.) Funeral Homes also must not tell consumers, in the case of direct cremations, that they must buy a casket for any other reason.

If Funeral Homes offer direct cremations, they must make an alternative container available and inform consumers that such containers are available for direct cremations. You do this by including on your GPL the mandatory disclosure about alternative containers.

An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains. It is made of fiberboard, pressed-wood, composition materials or like materials, with or without an outside covering.

Note: The Rule also prohibits crematories from requiring that a casket be purchased for direct cremation. However, the Rule allows crematories to set standards for the kind of alternative containers that they will accept. For example, a crematory might stipulate that it will accept only rigid containers.

3. Outer Burial Container -- Funeral Homes cannot tell consumers that state or local law requires them to buy an outer burial container, if that is not true. They also must tell consumers that state law does not require them to purchase an outer burial container. They satisfy this obligation by including on the Outer Burial Container Price List the mandatory disclosure. The mandatory disclosure about outer burial containers also tells consumers that grave liners are suitable for meeting any cemetery requirement.

Funeral homes may not tell consumers that a particular cemetery requires an outer burial container, if that is not true. If the particular cemetery does require a container, then funeral director should explain this to the family.

4. Legal and Cemetery Requirements -- Funeral homes cannot tell consumers that any federal, state, or local law or a particular cemetery or crematory requires them to buy a particular good or service, if that is not true. If they do tell a consumer that he or she must buy a particular item because of any legal, cemetery, or crematory requirement, they must identify and describe the particular requirement in writing on the Statement of Funeral Goods and Services Selected.

5. Preservative and Protective Value Claims -- Funeral homes cannot make any representations to consumers that funeral goods or services will delay the natural decomposition of human remains for a long term or an indefinite time. Although the Rule flatly prohibits them from making this representation,

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the Commission recognizes that it is possible for some funeral goods or services to delay decomposition for a short period.

Example: A family selects a funeral with a viewing. The funeral director may explain to the family that embalming will temporarily preserve the body to make it suitable for viewing. But, he cannot tell you that the embalming will preserve the body indefinitely.

He cannot tell consumers that funeral goods (such as caskets or vaults) have protective features or will protect the body from gravesite substances when that is not true. Federal law requires him to make all warranty information available to consumers. Therefore, he must allow the family to read any of the manufacturer's warranties. However, he should indicate that these claims are made by the manufacturer and not by him.

Example: Mr. Morton has chosen casket A. The funeral home should allow him to read the written warranty that the manufacturer offers, but they must not adopt as their own any statement about preservation or protection that they know to be in violation of the Rule. They may want to inform Mr. Morton that the manufacturer has made certain statements about the product, but that they do not have personal knowledge of the protective value of the merchandise.

6. Cash Advance Items -- If the funeral home mark-up the charge on cash advance items or receive a commission, discount, or rebate that is not passed on to the consumer, they cannot state that the price charged for the cash advance item is the same as their cost. If there is an added charge, or if the funeral home receives and keeps a rebate, commission, or trade or volume discount, they must tell the consumer that the price is not the same as their cost. They do this by including on your Statement of Funeral Goods and Services Selected the mandatory disclosure on Cost Information and Disclosures under Cash Advance Items.

The Rule does not prevent the funeral home from adding a service charge, nor does it require them to disclose the amount of that charge. However, some states may have laws or regulations that prohibit any mark-up on cash advance items.

7. Other Misrepresentations -- Other kinds of misrepresentations, though not specifically prohibited by the Funeral Rule, are nonetheless illegal. The FTC Act prohibits deceptive acts or practices. Likewise, the consumer protection laws of most states prohibit deceptive practices.

Telephone Price Disclosures -- The funeral home must give consumers who telephone their place of business and ask about their prices or offerings accurate information from your General Price List, Casket Price List, and Outer Burial Container Price List. They also must answer any other questions about their offerings and prices with any readily available information that reasonably answers the question.

Note: Funeral homes cannot require callers to give their names, addresses, or phone numbers before you give them the requested information. They can ask callers to identify themselves, but they still must answer the callers' questions even if the caller refuses to identify himself. They cannot require consumers to come to the funeral home in person to get price information.

Funeral homes can use an answering machine or answering service to record incoming calls. However, they must respond to questions from callers on an individual basis.

Example: The funeral home's answering machine can have a message telling consumers to call a specified number during business hours for information about prices and offerings. They need to provide the requested information when consumers call during those hours, or they can have an answering machine or answering service take consumers names and phone numbers so that they can return the calls at their earliest convenience.

They may have an employee answering their phones who can respond to easier questions regarding

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their offerings and prices by referring to the printed price lists, but who refers more difficult questions to the funeral director.

If the funeral director is unavailable when the call comes in, the employee can take a message so that the funeral director can return the call later.

Funeral homes do not have to give price and other information after business hours if it is not their normal practice to do so. They can tell consumers who call during non-business hours, that they will provide the information during regular business hours. However, if a consumer calls after hours to inquire about an at-need situation, and it is the funeral home's practice to make funeral arrangements during non-business hours, they should provide price or other information the consumer requests.

If the funeral director is in the middle of one arrangement conference when another family calls about their offerings, they can take a message and return the call at a later time.

THE RATIONAL OF PRE-PREPARATION

It's not uncommon for most families to take flowers or a loved one's clothing to a funeral home. Why not a casket! The only difference between these items is a big one ... price - thousands of dollars! Don't you owe it to yourself and your loved ones to look into the high quality, efficient service and tremendous value of pre-purchasing a casket from an independent retailer. You, the consumer have the power of choice guaranteed by the United States Government. You the consumer have the power to choose whether or not you wish to save up to 50% - 75% of one of the most expensive purchases that most of us will ever make. You, the consumer can choose to save thousands of hard-earned dollar.

EW has given you the reader a good start in getting started saving a bundle plus avoiding the pressure and guilt situation conversant with a sudden funeral. For more information in actually where and how to purchase a greatly discounted casket contact office@expatworld.net with "casket" in the subject heading.



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