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**DEPARTMENT OF CONSUMER AFFAIRS FUNERAL HOME SWEEP UNCOVERS MANY
FUNERAL HOMES DENYING CONSUMERS LEGALLY MANDATED PRICING
INFORMATION**

***Hundreds of Inspections Conducted as Commissioner Mintz Puts Industry on Alert
and Encourages Consumers to Know Their Rights to Funeral Pricing Information***

Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz today announced the results of a two-month long investigation of the sales practices of funeral homes throughout New York City. In the comprehensive enforcement sweep, which included undercover investigations, DCA completed 579 funeral home inspections and issued 275 charges to 87 businesses that received violations for a compliance rate of 85 percent. The charged funeral homes could face more than \$230,000 in fines to the City.

Manhattan funeral homes had the highest compliance rate, with only 5 percent of businesses receiving violations, while Brooklyn had the lowest compliance rate, with 26 percent of businesses receiving violations.

"Coping with the death of a loved one is stressful enough, so planning a funeral should be as simple and easy as possible," said Department of Consumer Affairs Commissioner Jonathan Mintz. "New Yorkers have strong legal rights to make purchasing funeral arrangements a straightforward process, including the right to get clear and complete pricing information on a

price list by the entrance to a funeral parlor or even over the telephone. We urge New Yorkers to call 311 if they believe a funeral home is taking advantage of them in their time of need."

"Commissioner Mintz has raised awareness of a deceptive practice that takes place during what can be an unexpected and devastating period in one's life," said Lois Aronstein, AARP New York State Director. "There are steps that consumers can take to avoid being victimized, such as pre-planning their funeral and comparing funeral homes before making any decisions."

Approximately three quarters of the violations issued, resulting from both in-person and undercover phone interviews, charged funeral homes with pricing deception including failing to have retail prices and price lists visible, failing to provide prices over the phone, and not disclosing that consumers may use or bring in a casket from a third party. Another top violation included illegally displaying the least expensive caskets separately and more unpleasantly than other, more expensive caskets.

For more information or funeral planning tips, download [DCA's Funeral Planning Guide](#). To file a complaint about a funeral home, visit nyc.gov/consumers or call 311.

DCA enforces the Consumer Protection Law and other related business laws throughout New York City. Ensuring a fair and vibrant marketplace for consumers and businesses, DCA licenses more than 71,000 businesses in 57 different industries. Through targeted outreach, partnerships with community and trade organizations, and informational materials, DCA educates consumers and businesses alike about their rights and responsibilities. DCA's Office of Financial Empowerment is the first municipal office of its kind in the nation with a mission to educate, empower and protect New Yorkers with low incomes. DCA's OFE administers a citywide network of Financial Empowerment Centers and other products and services that help these New Yorkers make the best use of their financial resources to move forward economically. For more information, call 311 or visit DCA online at nyc.gov/consumers.

Dealing with the death of a loved one? Follow these tips:

- **Get a price list.** By law, the customer is entitled to a general price list when conducting arrangements either in person or over the phone. This list should include the prices for all services and merchandise regularly offered by the funeral home. Consumers have a right to this information before they commit to using a specific funeral home, so try to obtain multiple lists and compare prices.
- **Don't pay illegal or unnecessary fees.** Funeral homes can charge a fee for cash advance items or services, and merchandise the funeral home pays directly to a third party, such as fees for the cemetery or crematory, death certificates and clergy. The funeral home cannot profit on these items. If you choose, you may be able to pay for cash advance items directly.

You may be charged:

- A custodial care fee, which charges the customer for the days the body is being held, though no services are being performed.
- A transfer of remains fee, which covers transportation of the body from the place where the death occurred to the funeral home.
- **You have the right to switch funeral homes at any time.** You will need to pay for any services that have already been performed and for which you have given

approval. The funeral home must allow the transfer of the body to another funeral home, even if you haven't paid yet. It may not hold the body in exchange for payment.

- **Get a receipt.** Regardless of whom pays for cash advance items, be sure to get a receipt for these items. When you have made all the decisions regarding the funeral, you should receive an itemized statement of services and merchandise, a detailed outline of the specific goods and services you have chosen and the price of each item as well as the total cost. This must include cash advance fees.
- **If you have your own casket, the funeral home is required by law to let you use it.**
- **In New York State, embalming is not required by law.** If you do not want embalming, you have the right to choose an arrangement which does not require you to pay for embalming such as direct cremation or direct burial. If you select certain funeral arrangements, such as viewing or an open casket, embalming may be required by the funeral home. This information must be included on the general price list.
- **Get all the facts.** Download [DCA's Funeral Planning Guide](#) at nyc.gov/consumers.

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**DEPARTMENT OF CONSUMER AFFAIRS DECLARES DECEPTIVE OVERDRAFT
ENROLLMENT TOP FRAUD OF THE YEAR**

*Commissioner Mintz Encourages New Yorkers to Pay Careful Attention to So-Called
"Courtesy Overdraft" Marketing*

*Bloomberg Administration Provides New NYC SafeStart Bank Account with No
Overdraft Fees*

*Consumer Affairs Secures Nearly \$9.9Million in Restitution for New Yorkers in 2009—
A Department Record*

Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz today declared deceptive enrollment in so-called "courtesy overdraft" protection a top fraud of the year. Banks who continue to automatically enroll customers into such costly services without their permission after July 1, 2010 will be violating federal law. Fees for these services, which average \$27 per \$20 purchase, cost Americans more than \$38 billion in fees in 2009 alone and were assessed without most customers' knowledge or permission. DCA cautions consumers about the deceptive marketing tactics that banks may use in upcoming months to re-enroll them in these nontransparent practices and calls upon banks to offer real-time overdraft choices instead. In an effort to provide New Yorkers with a safe banking option and no overdraft fees, particularly