



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
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typically non-cash advance items.<sup>3</sup> Section 453.2(b)(4)(ii)(A) expressly requires such a separate

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service is a non-cash advance item. In that case, the Rule permits a funeral provider to charge a retail price that includes a mark-up over cost without disclosing that fact.

Since whether a funeral good or service is a "cash advance item" depends on a funeral provider's express or implied representations about the item, any determination that an item is a "cash advance item" requires an analysis of the facts of a particular transaction. The mere fact

that a funeral good or service is initially obtained from a third party does not turn that item into a cash advance item. Indeed, as previously noted, the Rule assumes that funeral providers who offer embalming as one of their services ordinarily charge consumers a "retail price" for that service. Of course, there could be specific circumstances in which a funeral provider makes an express or implied representation that leads consumers acting reasonably under the circumstances to understand that embalming will be provided at cost. Under these circumstances, the funeral