

Sept 1, 1980 to Feb 11, 1982

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
BOARD OF EMBALMERS AND FUNERAL DIRECTORS

Chapter 30-6  
Series XX  
(1981)

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
THIS DATE 7/29/81

Subject: Advertising.

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Section 1. General

1.01. Scope--These regulations amend and repromulgate the Board's rules relating to advertising (previously Rule 20).

1.02. Authority--These regulations are issued under authority of Chapter 30, Article 6, Section 3, of the West Virginia Code of 1931, as amended.

1.03. Effective Date--These regulations were filed with the Secretary of State, in proposed form on June 15, 1979, an opportunity for public comment, satisfying the requirements of Chapter 29A, Article 3, of the West Virginia Code of 1931, was provided. The Board of Embalmers and Funeral Directors has finally adopted the regulations set forth herein and has established their effective date as September 1, 1980.

1.04. General Purpose--The general purpose of these rules is to amend and update rules previously promulgated by the Board of Embalmers and Funeral Directors.

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## Section 2. Restrictions

2.01. All advertising shall comply with the requirements set forth in Chapter 30, Article 6, Section 3, of the West Virginia Code of 1931, as amended.

2.02. No licensee, apprentice or any other person, persons or business organization associated or in any way connected with a funeral establishment shall use or sponsor the use of any false, misleading, untrue or deceptive advertising in any manner whatsoever.

2.03. All advertising is hereby declared to be unethical, except only as hereinafter approved, and such person referred to above are prohibited from the use of any advertising except only as hereinafter approved.

(a) If the words "free," "without charge," or other similar connotations have the effect of misleading the public, then their use will be considered false and misleading by the Board.

(b) No licensee or apprentice or any other person or persons or business organization, associated or in any way connected with a funeral establishment shall solicit business or shall offer any inducement, pecuniary or otherwise for employing solicitors, agents, canvassers or other for the purpose of securing or attempting to secure business;

such persons shall not issue any gift certificates or discount certificates to a sick or dying person and shall not use donations, gift bonuses or acts of service designed to place the recipient in a position of obligation or indebtedness and shall not transfer or offer to transfer any property or service as payment of, or in token for, business secured, influenced or otherwise provided or in promise thereof. Such persons shall not call upon, telephone, write or cause, directly or indirectly, such advertising literature to be sent to the sick or dying person as would tend to be deemed non-general selective or soliciting advertisements. No prohibition on discounts, bribes or kickbacks directly or indirectly are permitted.

(c) All advertising copy, such as newspaper, radio, television, billboards, church bulletins, school publications, trade journals and other similar periodic publications have no limit to size providing the sponsor of such advertising is not in any way false, misleading, untrue or deceptive. The contents of such advertising must include the name of the funeral establishment, its address and telephone number and the name of the licensed funeral director in charge. It may also include a description of the service facilities of the advertiser, as well as general information pertaining to his business. It may also include the total cost of the minimum adult services. In all advertisements relating to

the minimum cost of the adult services, the following rules must be observed and conformed to, in their entirety:

1. No picture or pictures of any casket or vault will be permitted in any manner whatsoever.

2. Any advertised casket price will be so construed to mean the cost of such casket and all necessary items as to unit pricing for a completed funeral service. Any firm itemizing must include the casket and each and every item necessary to constitute a complete burial.

3. The West Virginia Board of Embalmers & Funeral Directors do not consider the cemetery costs, opening grave costs, vault costs or excess mileage in addition to the above stated as necessary to constituting a complete burial.

4. Any funeral director so advertising any merchandise used in connection with his business shall carry in his stock all merchandise so advertised for at least 120 days after advertisement publication, and must carry sufficient merchandise stock to so

service any and all demands for such items, with no increase in price, for such stated period of 120 days.

5. The term advertise and advertising as used in this rule shall include the use of radio, television, billboards, calendars, and novelty advertising, or any other advertising method or medium.