

September 22, 2026

Mr. Raphael Amabili-Rivet
President
Office de la protection de la protection du consommateur
email: raphael.rivet@opc.gouv.qc.ca

Dear Mr. Amabili-Rivet:

Re: Obituary Scraping and Echovita's Commercial Practices
Request for review under Québec consumer protection law

The Funeral Service Association of Canada ("FSAC"), the national association representing deathcare professionals across Canada, wishes to bring to the attention of the Office de la protection du consommateur (the "Office") a persistent practice commonly referred to as "obituary scraping."

This practice involves reproducing and republishing obituaries originating, among other places, from funeral service provider websites and then using that content on a third-party platform for commercial purposes, without the families or original providers necessarily having authorized that use.

FSAC is particularly concerned about the practices of Echovita Inc., a Québec-based company founded by the same individual who operated Afterlife Network Inc., which was found liable in 2019 for unauthorized reproduction of obituaries by the Federal Court of Canada and ordered to pay damages of \$20 million.

1. Impact on Consumers

For a family, an obituary is a carefully prepared and deeply personal tribute, often written in collaboration with a funeral service provider during a period of significant vulnerability.

Unauthorized republication of this content may have resulted in:

- modified, incomplete or inaccurate versions of an obituary being circulated;
- families losing control over how the memory of a loved one is communicated and preserved;
- families and the public being exposed to commercial offers or memorial products displayed in connection with reproduced content, without a necessarily clear connection to the family or the original provider.

These practices may intensify distress associated with bereavement, particularly when families discover after the fact that an obituary has been reproduced and used in a commercial environment they did not choose.

2. Risk of consumer confusion and misleading representations

FSAC's concerns go beyond the reproduction of content itself. They relate primarily to how reproduced obituaries are presented to the public and used to attract consumers to a commercial platform.

Based on situations reported by our members and consumers who have contacted our Association for assistance this presentation may:

- create confusion about the official source of the obituary authorized by the family;
- suggest an affiliation, authorization or connection with the originating funeral home or funeral service provider;



Funeral Service Association of Canada | Association des services funéraires du Canada

- lead a consumer to purchase goods or services in the mistaken belief that the consumer is dealing with an authorized provider or that the purchase directly benefits the bereaved family.

These misleading and deceptive practices are particularly concerning because affected consumers are often making decisions while grieving, emotionally vulnerable and, at times, under significant time pressure.

3. Québec consumer protection framework

FSAC recognizes that certain issues concerning the reproduction of obituaries may fall within copyright law and therefore outside the Office's mandate. This request instead focuses on the way reproduced obituaries are presented to consumers and used in connection with commercial activity.

Our concern is that consumers may reasonably believe the reproduced obituary is authorized by, affiliated with, or connected to the family or originating funeral service provider, and that purchases made through the platform may benefit those parties.

In this regard, Québec's Consumer Protection Act (CQLR, c. P-40.1) provides, among other things, that whether a representation constitutes a prohibited practice is assessed by considering the general impression it conveys and, where appropriate, its literal meaning (s. 218). It also prohibits merchants, manufacturers, and advertisers from making false or misleading representations to consumers (s. 219) and from failing to mention an important fact in a representation made to a consumer (s. 228).

In this context, FSAC respectfully submits that it would be appropriate for the Office to examine whether the presentation of reproduced obituaries, their association with commercial offers, and any representations that may suggest an official source, authorization or affiliation are consistent with these provisions.

4. Request for review

Considering the foregoing, FSAC respectfully asks the Office to:

- review Echovita's commercial practices in light of sections 218, 219 and 228 of the Consumer Protection Act, as well as any other provisions the Office considers applicable;
- assess whether the presentation of obituaries and related commercial offers may create a false impression concerning the source of the content, an affiliation, or the identity of the provider;
- determine whether enforcement measures, guidance for consumers or businesses, or other interventions within the Office's mandate are warranted.

To support our members and the families who wish to file an official complaint regarding the business practices of Echovita Inc. and its owner, we have developed a complaint form for them to complete and submit to your office. We have attached a copy of the form for your reference.

Additionally, FSAC would be pleased to provide specific examples, screenshots, or any other information that may assist the Office in its review of this matter.

Sincerely,

Funeral Service Association of Canada
Pam Moss, Executive Director

Encls.