

REDUCING YOUTH ACCESS TO ALCOHOL

Introduction

Underage alcohol use is associated with a wide range of health and safety risks for underage youth who consume alcohol and for others impacted by their behavior: physical injuries, including those caused by impaired driving; sexual violence; property damage and quality of life issues in communities; and, of course, the impact of alcohol upon still developing adolescent brains. Accordingly, reducing underage alcohol access and use is an important objective for states, communities and families.

The first drinking experiences are often in the minors' own home with the minor surreptitiously drinking the parents' alcohol. Family members sometimes offer a drink so that minors can experience alcohol under an adult's watchful eye. Some parents choose to teach responsible drinking to their children in hopes that responsible consumption will continue in later, unsupervised settings. Other times, the first drinking experience is with friends who provide the alcohol.

Efforts to shape the attitudes and behaviors of youth to prevent underage drinking are the domain of parents and educators. This report examines the sources of alcohol for underage drinkers and the role of the key stakeholders in reducing underage access to commercial sources of alcohol. These stakeholders are:

- **Alcohol beverage licensees** whose establishments are the original source of all beverage alcohol consumed by underage drinkers and whose direct sale or service of alcohol to minors is in most states strictly prohibited.
- **State regulatory and law enforcement agents** who are responsible for the enforcement of laws prohibiting selling, serving, or furnishing alcohol to minors.
- **Community prevention agencies and coalitions** that promote healthy behavior among youth and economically healthy businesses and safe hospitality areas.

II. Reducing underage sales – Retailer Perspective

Why do underage sales persist?

With significant penalties in most states for both licensees and staff who sell or serve alcohol to anyone under age 21, and with enforcement of sales-to-minors laws in all states, there are obvious and compelling reasons for licensees and staff to eliminate underage sales. So the initial question is simply: Why does the problem of underage sales persist?

Over twenty years ago, a work group of forty-three state attorneys general engaged national retail chains found to have sold tobacco products to minors. It became apparent that all these retailers had explicit policies

to check IDs and refuse underage sales—and equally apparent that such policies, even with penalties for violations, were insufficient. Accordingly, the attorneys general negotiated Assurances of Voluntary Compliance (AVC) with these chains to implement comprehensive systems consisting of training, point-of-sales protocols, and supervisory practices which the chains applied to both tobacco and alcohol sales.

With funding from the Robert Wood Johnson Foundation, researchers at Brandeis University evaluated the AVC executed by ExxonMobil (EM) in 2002 which applied to all its 950+ company-operated retail stores and also its franchises. Researchers surveyed 1,225 clerks and interviewed 284 managers in 460 EM company stores—half of which had no previous violations for sales to minors -- beginning one year after the AVC was executed. The researchers found that EM had done a remarkable job in implementing the AVC and transforming corporate culture. Overwhelmingly, clerks and managers understood the new policies for checking IDs, including termination for sales to minors; expressed their personal commitment not to sell to minors; and believed that this commitment was held at all levels of the company, from clerks to senior management.

Unfortunately, EM's well-implemented, comprehensive underage sales prevention program produced no improvement in age-verification rates. In the first inspection following the AVC, the ID-checking rate for all EM company stores was 85.4%—higher than national compliance rates but less than anticipated after the extensive training and point-of-sales protocol changes. But in each of the following three quarters, pass rates dropped even further (70.2%, 65.3%, 60.6%). Over the subsequent two years, pass rates fluctuated between 52% and 84.5%.

The original hypothesis that a comprehensive training program and point-of-sales protocols would improve ID-checking was not the only hypothesis found to be incorrect. The research team had also expected to identify discernible differences between clerks in stores with no prior violations and clerks in stores whose lax ID-checking resulted in violations, and these differences would serve as a blueprint for managers to follow. But with one exception, noted below, there were no differences in the (a) knowledge, (b) attitudes, (c) self-reported behavior, and (d) observed ID-checking conduct between staff in stores that had been consistently compliant or non-compliant. This raised an even more perplexing question: if staff are already well-trained and highly motivated to prevent underage sales of alcohol and tobacco, and if a powerful deterrent (termination) to underage sales is already in place, what additionally can licensees do to improve ID-checking?

The underlying problem, the researchers came to recognize, was inattention. Retail work is highly repetitive, and workers' minds wander. Underage sales occur for the same reason as many industrial accidents: momentary lapses in attention, whether due to multi-tasking or simply daydreaming, William Chandler, PhD, the former director of alcohol law enforcement in North Carolina, thus aptly defined underage alcohol sales as "crimes of inattention."

One additional aspect of inattention, revealed in surveys of clerks who failed compliance checks, is the recurring comment: "I thought s/he was old enough." Here, clerks may believe they are selling to a customer \geq age 21 but have substituted their own snap judgment for the age-verification protocols established by the retailer. Of course, "I thought s/he was old enough" is in some instances a self-serving defense by clerks who had failed to follow their responsibilities and now face the consequences for their inattention to ID-checking

protocols. But in many cases, clerks may have mistakenly believed they were selling alcohol to a customer \geq age 21, which is the reason to insist that staff check all IDs for customers appearing to be under a trigger age (e.g., 30 years).

If the underlying problem is inattention, one partial remedy would be continual reinforcement of ID-checking policies and protocols. Supporting this point, the only noticeable difference between staff in compliant and non-compliant company stores in the EM study was that clerks in stores that passed all their inspections expressed that “my manager is always on my back to check IDs.” The Brandeis study showed that thorough training and explicit policies for age-verification may surely be necessary—but they are not sufficient. Managers need to reinforce age-verification continually.

Technology

Retailers have long employed signage, often provided by local beer distributors, alerting that IDs will be requested of all customers (or customers whose age appears to be at or under a trigger point, e.g. age 30) and ID guides that illustrate the IDs issued by all 50 states and the key features that staff should look for to authenticate the ID. Retailers have also looked to technology to counteract the lax conduct and/or poor decision-making of staff. These tools range from the simple to the complex, such as:

- Point-of-sales (POS) systems that prompt clerks to check IDs, or to ask customers to present an ID. POS systems may further require that a customer’s date of birth be entered for the transaction to continue.
- ID-scanners that read the date of birth data encoded electronically on the back of an ID to determine if the ID holder is of legal age. If the encoded date of birth is different from the date of birth on the front of the ID, or if there is no data encoded on the back, the ID is not authentic.

Fake IDs have become so sophisticated that underage customers can obtain IDs with encoded data on the back that is identical to the information on the front. More sophisticated (and costly) ID-scanners can determine if the ID is authentic by checking that the ID presented by the customer contains the multiple security features unique to each state ID, or by accessing voter rolls or other data sources to confirm that an individual named on the ID lives at the given address. Such systems are more apt to be used by financial institutions or retailers for online transactions, but they can be employed for age verification as well.

The limitation of all these technological tools is, unsurprisingly, the humans who operate them. Prompts to check ID could be ignored (though newer technology can prevent this). If the POS system requires a date of birth to be entered, staff may simply enter their own birthday to speed up the transaction or use an override option. If the ID scanner is a stand-alone device, rather than a function of the POS system, staff may simply decline to use it.

But perhaps the most significant concern is that reliance upon technology further reduces staff attention to proper age-verification. In Stillwater, OK, home to Oklahoma State University, bars near the campus are required to employ doormen to check IDs and prevent underage access. Many doormen employ scanners and black lights to authenticate the IDs that are presented. With the prior approval of Stillwater police, two young

women visited eight liquor stores and seventeen bars and presented expired IDs that were not their own. Only two of eight times in liquor stores and two of seventeen times in bars did staff recognize that the IDs had expired and refused to sell or admit the young women. Not once did staff recognize that the IDs did not belong to the young women who presented them.

Technologies provide useful tools that help attentive staff to verify age and authenticate IDs but they do not eliminate the potential for underage sales. Attentiveness remains critical. Thus, many small “Mom and Pop” owner-operators who lack formal training in ID verification and do not employ POS systems or ID-scanners can effectively prevent sales to minors through their years of experience and deep familiarity with their regular customers. But their part time help, of course, are particularly vulnerable to a failed compliance check.

Mystery Shopper programs

Mystery shopper programs for alcohol beverage licensees are inspections by young customers designed to assess ID-checking conduct. Some owner-operators have arranged for young people they know to pose as customers at their own establishments to learn about staff conduct when those owner-operators are not present. Mystery shopper programs provided by 3rd-party vendors are now available for independent establishments and regional and national chains. In this model, a young, legal-age customer enters a store or on-premises establishment and asks to purchase or be served an alcoholic beverage. For some clients, the mystery shoppers do not reveal themselves to staff: results of ID-checking are reported directly to management. Often mystery shoppers provide on-the-spot feedback on ID-checking behavior. If staff ask for an ID, the mystery shoppers hand the clerk/server or store manager an explanation of the inspection and congratulations for requiring an ID. If no ID was requested, the handout warns that a similar failure in a law enforcement compliance check could expose the clerk/server to penalties under both store policies and state law. Since cards issued in a failed inspection can be destroyed before the manager or owner-operator can see them, follow-up reports may additionally be sent to the licensee.

The effectiveness of mystery shops that provide real time feedback and follow-up reports to managers/owner-operators has been validated in a study funded by the National Institutes of Health. Fifteen on-premises and fifteen off-premises retailers were identified in each of sixteen paired communities representing large and small cities, blue collar communities, and suburban communities across four states. After a baseline was established, licensees in one community (Early Intervention) received six monthly mystery shops and follow-up reports while its paired community (Delayed Intervention) served as a control. After six months, mystery shops ended in the Early Intervention community and were conducted in the Delayed Intervention community. The mystery shops and reports increased ID-checking percentages from slightly over 80% at baseline to over 90%, peaking at 94% at the end of the six months, in both Early Intervention and Delayed Intervention communities. Improvements were almost identical for off-premises and on-premises establishments. A similar mystery shopper program with follow-up training conducted by alcohol providers in Mexico also showed evidence of effectiveness.

Mystery shops serve as a proxy for law enforcement compliance checks, providing feedback to licensees on ID-

checking conduct without risk of negative outcomes for operators. Periodic mystery shops achieve and sustain high ID-checking for all types of licensees and prepare those licensees to pass law enforcement compliance checks. Mystery shops remind staff that ID checking is being observed. When retailers reward staff who pass a mystery shop or compliance check, proper ID-checking is further reinforced. Most importantly, mystery shops remind managers that their continual reinforcement of ID-checking with staff is paramount.

III. Reducing underage sales –Regulatory / Enforcement Perspective

Compliance checks: the gold standard

Law enforcement compliance checks are the gold standard for achieving compliance with underage sales laws. There is no single, approved protocol for compliance checks: practices vary among states and communities, as do the penalties for the licensee and staff who sell or serve alcohol to anyone under age 21. All compliance checks, however, involve an attempted purchase by an underage decoy under the supervision of one or more law enforcement officers (or designated agent) who cite the licensee and offending staff member as specified in state law. Occasionally citations are issued at the completion of all the compliance checks, rather than at the time of sale, to guard against licensee communications alerting other establishments that compliance checks are being performed.

Compliance rates are directly related to the frequency of compliance checks. There is no proof of this: improbable as it may seem, no study has analyzed the direct relationship between the frequency of compliance checks and pass rates. But that relationship clearly is acknowledged by alcohol law enforcement agencies and officers. In college towns, which often have dedicated campus and/or community law enforcement agents who enforce the sales to minors laws, high compliance rates are common. In states and communities in which only a subset of licensees is inspected each year, high compliance rates are uncommon.

A compliance check, it should be noted, is akin to a photograph of one moment in time. A different clerk/ server . . . or decoy . . . or level of customer traffic . . . or time of day, could produce a different result. When researchers conduct multiple rounds of inspections to create baselines for measurement purposes, the ID-checking rates will likely be similar each round. But the individual licensees whose staff correctly check IDs or fail to do so may vary greatly in each round. Licensees with lax training and supervisory practices sometimes pass compliance checks, and licensees with aggressive training and supervisory practices sometimes fail compliance checks. Many enforcement agencies re-inspect licensees after a failed compliance check and the reason to do so is self-evident. But it is important to recognize that compliance is more like a probability than an either/or condition and that the result of a single compliance check does not accurately characterize the responsible retailing conduct of the establishment over time. Importantly, compliance checks measure the propensity of licensee staff to sell or serve an underage decoy: compliance checks do not necessarily identify the establishments in which underage customers are most likely to attempt to purchase or be served alcohol (although the lax ID-checking observed by law enforcement is also observed by young customers who share

their experiences with others).

Compliance checks can deter lax age-verification in the future. The “specific deterrence” applies to the licensee and is achieved regardless of the outcome: both a failed inspection and a passed inspection refocus the establishment on the importance of ID-verification and reinforces ID-checking protocols. The compliance check also creates a “general deterrence” for all licensees in the community—an effect that is severely underutilized. In 2007, Walgreens studied the ideal frequency for mystery shops. Thirty stores which received mystery shops at different frequencies all showed dramatic improvement in correct ID-checking conduct. But for some reason, fifteen stores which served as a control arm and received no mystery shop visits also improved ID-checking significantly. The researchers learned that managers of control stores interacted with their counterparts in regional meetings, learned of the ongoing inspections, and brought heightened concern for proper ID-checking back to their own staff, raising correct ID-checking to the same high levels (though more slowly) as the inspected stores. What the researchers thought was corruption of the research plan proved simply to be communication. MillerCoors found a similar general deterrence in its community-based Respect 21™ Responsible Retailing Program™: licensees who were not in the program and received no mystery shops intensified their own ID-checking behavior after learning about the program from participating licensees and customers.

The implications of this general deterrence are important. The costs of conducting compliance checks are substantial, requiring time for the law enforcement officers to recruit, train, and accompany underage decoys, and for agency administrative actions following citations. The cost of publicizing compliance checks is negligible. Licensees give heightened attention to age-verification practices when they learn of compliance checks whether before or after those checks are conducted. This heightened attention to ID-checking appears to occur whether the reports are of a large or small number of inspections, i.e. reports of 10-15 compliance checks may generate as much general deterrence as reports of 50-100 compliance checks. The deterrence—the positive impact of inspections upon future ID-checking conduct—is short lived, expiring after a couple of months, as determined in studies conducted by the University of Minnesota. Accordingly, a strong argument can be made that compliance programs can achieve the greatest impact by conducting frequent rounds of inspections, albeit with fewer licensees each round, and with extensive publicity of the intention to inspect and of the results of inspections.

IV. Reducing underage sales—Community Prevention Perspective

Most efforts to reduce underage access to commercial sources of alcohol focus, correctly, on improving staff performance of specified age-verification protocols. But some underage sales result from purposeful behavior by staff and customers. A hearing in New Mexico to oppose the revocation of a license for repeated underage sales documented that in each violation, the clerk on duty acknowledged to the underage decoy that the store prohibited underage sales, but the clerks did not care—and, in one instance, the clerk told the underage decoy that he did not look like an underage decoy! [The judge found that the willful violation by clerks of store policies that they fully understood, and had signed a pledge to uphold, was no defense for the licensee.]

Successful underage purchases are quickly shared with friends and those outlets / clerks become well known.

Social media can magnify the problem of willful disregard of age-verification responsibilities by staff or licensees themselves. To understand how fake IDs were obtained and used, one provider who was developing an ID-authenticating app mined data from the web and followed social media in several college communities. They found screenshots posted by students showing or asking about buying alcohol at gas stations and grocery stores, buying a certain brand and state of fake ID, buying fake IDs in their real names in case a second form of ID is requested, and other questions about attempting purchases. One single thread had posts including:

- “Don’t go to **LIQUOR STORE** at the top of **STREET**. They have a drawer full of confiscated fakes. Best bet is a gas station slightly out of town”
- “You’ve got to be kidding me. Anything from **FAKE ID BRAND** will get you a one-way ticket to the police station if attempted to be used anywhere around here. **BIG BOX** is the number two biggest risk (behind **GROCERY STORE**). Your best bet is to go to gas station just before midnight and pray that the clerk is tripping too many balls to notice.”
- “I had a **FAKE ID BRAND** and never had any problems at **BIG BOX**. Just go to the cashiers who look not so smart. **GROCERY** is even easier with the college students working there who don’t care but it won’t work if your real name isn’t on your ID since you need two forms there.”
- “**FAKE ID BRAND** works fine at **BIG BOX** as well as other gas stations around town. Doesn’t work at the local ABC (Rats). Y’all are way too sketched out. Townies work the cash register; you think they care?”

Social media magnifies a problem that has long existed: communication among underage drinkers about where they are most likely to be successful if they attempt to purchase or be served alcohol. Only a few stores may sell the bulk of the alcohol that underage drinkers purchase. And, as noted, compliance checks, unless initiated by a customer who observed an unlawful transaction, are very unlikely to observe the small number of staff in a community who are indifferent to ID-checking requirements or willfully sell to under age 21 customers.

The importance of collaboration

Retailers (i.e. business), enforcement agencies (i.e. public safety), and prevention agencies (i.e. public health) are the three legs upon which successful prevention of underage sales rests. The commitment of all three is necessary to reduce underage sales in a community.

Retailers are on the front lines, as they are the ones directly involved in the sale of age-restricted products such as alcohol. In the absence of law enforcement compliance checks, retailers may be unaware of the laxity or dereliction of some staff and see no reason to intensify management supervision or conduct their own mystery shops. Conversely, rigorous enforcement alone can lead retailers to believe that law enforcement’s intention is to inspect again and again until the retailer is caught in a violation. And in the absence of prevention agency involvement, retailers seldom learn of the implications of underage alcohol access and use in the community or the contribution that prevention agencies can make in training and public awareness of responsible retailers. Often, when retailers and prevention agencies are not communicating with one another, their

relationship is adversarial.

Coalitions that promote the health of youth, and coalitions that promote the safety and vitality of a hospitality zone, have a unique opportunity to identify and reduce alcohol-related problems in the community, including youth access to alcohol. A study of the collaborative efforts in Albany, NY in 1995 was the first to document the synergy from cooperation between law enforcement, the hospitality industry, and the college community in reducing alcohol-related complaints and adopting effective policies. The “town & gown” coalitions developed by the Responsible Hospitality Institute, the International Town & Gown Association, and the Responsible Retailing Forum have shown that when law enforcement, retailers (and their industry partners), and prevention work together, licensees see themselves as part of the solution—and not simply the problem.

In conclusion, the prevention of underage sales is not a task that can be left to one group alone. It requires a concerted effort from retailers, enforcement agencies, and prevention / hospitality coalitions to create a community where minors are less likely to access harmful products. Only through collaboration can these three sectors effectively reduce underage sales and protect public health and safety and create a positive economic climate for the community.

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ⁱ Krevor BS, Lieberman A, Gerlach K. (2002). The application of consumer protection authority in preventing tobacco sales to minors. *Tobacco Control*, 11,109-111.

ⁱⁱ Chandler WC, Vasu ML (2005). Reducing the Sale of Alcohol to Minors by Targeting Sellers and Licensed Outlets: The Case of North Carolina. *Law Enforcement Executive Forum* 5 (3), 75 - 92. In his analysis of compliance data in North Carolina, Dr. Chandler had hoped to identify the characteristics of staff, e.g. age, gender, more likely to be associated with sales to minors. Dr. Chandler found that the only predictor of making an underage sale was length of employment: many clerks found to sell to minors were recently hired. The implication is that retailers who terminate an experienced employee who sold to an underage decoy would be replace that clerk with someone even more likely to make such a sale.

ⁱⁱⁱ Krevor BS, Capitman JA, Cannon J, Oblak L, Ruwe M (2003). Preventing Illegal Tobacco and Alcohol Sales to Minors Through Electronic Age Verification Devices: A Field Effectiveness Study. *J Public Health Policy* 24, 251-69. This study found that ID-scanners were efficacious: they performed correctly as designed; but they were not effective because they were not used frequently.

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^v Grube, J.W., DeJong, W., DeJong, M., Lipperman-Kreda, S., & Krevor, B. (2018). Effects of a responsible retailing mystery shop intervention on age verification by servers and clerks in alcohol outlets: A cluster randomised cross-over trial. *Drug and Alcohol Review*, 37, 774-781. doi:10.1111/dar.12839 PMID: [PMC6120763](https://pubmed.ncbi.nlm.nih.gov/30612073/)

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