Letter to the Editors: A Reply

To the Editors:

James Mosher’s “Letter to Editors” (Vol. 25, pp. 241-243 [2004]) raises several concerns with the article “Preventing Illegal Tobacco and Alcohol Sales to Minors Through Electronic Age-Verification Devices: A Field Effectiveness Study” (Vol. 24, pp. 251-268 [2003]) by a Brandeis University research team which merit our reply.

Mr. Mosher’s first concern is that “voluntary” retailer programs do not work and that the effectiveness of EAV technology should instead have been examined within the context of a) high enforcement, b) community mobilization and c) the rigorous retailer oversight which high enforcement and community mobilization produce. Mr. Mosher is completely correct that enforcement of sales-to-minors laws is critical and indispensable. The Report on Best Practices for Responsible Retailing (BP Report), prepared as a federal guidance document for CSAP, characterizes enforcement as the sine qua non of effective age verification/sales refusal conduct (Center for Substance Abuse Prevention, 2002).

Our two study sites for this EAV study—Iowa City, IA, and Tallahassee, FL—are, however, high enforcement areas. Florida has been among the highest states in tobacco compliance rates, with 92.3% compliance in the 2002 Synar reports (SAMHSA, 2002). In that same year, Iowa exceeded its tobacco compliance target rate (82%) and conducted over 8,000 retailer inspections. Iowa City and Tallahassee are, moreover, both intervention sites for A Matter of Degree, the Robert Wood Johnson Foundation’s national program to address college alcohol use and abuse. Both these A Matter of Degree sites had aggressive community coalitions. It was the forceful work of the state alcohol regulatory/enforcement agencies (the Florida Department of Business and Professional Regulation and the Iowa Alcoholic Beverages Division) in these two communities and their collaborative efforts with A Matter of Degree programs that led to the selection of the study sites. These two sites offered precisely the conditions Mr. Mosher argues we should have studied and we erred if we did not make this sufficiently clear in our article.
Mr. Mosher is equally correct that managerial supervision and managerial accountability are necessary to achieve high compliance with sales-to-minors laws. The importance of managerial supervision and accountability is one of the primary findings of the BP Report, and managerial supervision and accountability are central to the work of state Attorneys General who have applied their authority under Consumer Protection statutes to engage national chains to improve Responsible Retailing practices for tobacco. The Assurance of Voluntary Compliance that ExxonMobil executed with 43 state Attorneys General (which the Brandeis research team is now evaluating under the Robert Wood Johnson Foundation's Substance Abuse Policy Research Program) is predicated upon managerial supervision of, and accountability for, point-of-sales age verification behavior. Our work since 1998 with state Attorneys General and national retail chains has shown that explicit store age verification policies do not translate into consistent age verification conduct (Krevor, 2002). The factors that determine whether clerks follow the protocols they have been taught (including their attitudes about tobacco and alcohol use; their own current use of these products, and as adolescents; their attitudes about their employers; and their aversion to confrontation) need to be recognized and understood in developing measures to promote compliance with laws and store policies.

Mr. Mosher notes that, in a high enforcement/community mobilization environment, “There are good reasons to think they [EAVs] will [increase compliance] since it makes the actual inspection of identification cards far easier, thus eliminating a significant source of human error.” This was precisely our own hypothesis before the study. But we found that EAVs were used infrequently and inconsistently. And since, as we found, a significant percentage of clerks (50% in FL, 25% in IA) did not even ask for an ID from an unfamiliar 21-year-old customer purchasing alcohol, or from an unfamiliar 18-year-old customer purchasing tobacco (28% in FL, 42% in IA), then a device that electronically reads the ID and determines actual age does not solve the underlying problem.

The attitudes, competencies, and propensities that determine clerk age verification behavior must be better understood in order for retailers and regulatory/enforcement agencies and other public stakeholders to craft effective policies and point-of-sales protocols. Recognizing the variability of clerk behavior, and the importance of understanding
the determinants of clerk behavior, should not be interpreted, as Mr. Mosher did, as “blame the clerk” (and absolve everyone else). The harmful consequences of underage alcohol use to the community and the adolescent users are already well-documented and understood by the public health community. But a clerk or manager who sells alcohol to a minor is, depending upon the jurisdiction, subject to fines, arrest and a criminal record. Many employers peremptorily terminate that employee. Although convenience stores and gas stations in particular have very high clerk turnover (which adds greatly to the challenge employers face), others are long-term employees whose work supports themselves and their families. Store owners are similarly subject to fines, suspension, revocations and, occasionally, litigation. All stakeholders—clerk, manager, owner, community and youth—are affected negatively by underage sales of alcohol or tobacco products and all share responsibility. We and our colleagues are interested in protecting clerks—and managers, owners, community and youth—from these consequences. “Blame” has no place in this equation.

The final concern Mr. Mosher raises is rather more perplexing. Because this EAV field effectiveness study was funded by Miller Brewing Company, Mr. Mosher wonders if the study design, “whether EAVs will work as a voluntary retail program . . . reflects an industry interest in finding solutions to underage tobacco and alcohol problems through voluntary industry action” and whether research supported by a “disinterested” funding source would have employed such a design. We have explained, above, that our study conditions do, in fact, include the aggressive enforcement environment and community mobilization that Mr. Mosher calls for. But the underlying issue that Mr. Mosher raises—should industry stakeholders, or more “disinterested” parties, fund Responsible Retailing research?—remains. Putting aside the question of whether other funding sources are “disinterested” (some of the organizations that have supported relevant research are performing the Lord’s work but they are surely not “disinterested”), there are several reasons to encourage industry investment in Responsible Retailing research:

1. Retailers need help to identify Best Practices for Responsible Retailing. As they adopt more rigorous training programs and new technologies, retailers discover new lapses in age verification performance. EAV technology is a case in point. Because many underage sales citations are issued when an ID presented to the clerk shows the customer to be
underage, we infer the problem to be ‘doing the math.’ The EAV, which
does the math electronically, is proposed as a remedy; but the EAV
device, we found, is used infrequently and inconsistently. One southwest
gas station/convenience store chain has built EAV technology into its
cash registers in a way that clerks must swipe an ID to complete the
transaction. But this chain’s own internal inspection program finds
continuing non-compliance approaching 10%—because clerks simply
aren’t paying attention to the EAV screen. The human element signifi-
cantly impacts the effectiveness of technologies. (The solution devised
by the chain? Clerks must write down on a sheet of paper the age dis-
played on the EAV screen to insure that they are paying attention!)

2. Industry stakeholders like Miller Brewing Company have, through
their distributors, close economic ties and long-standing business
relationships with retailers. These relationships are potentially valuable
in engaging retailers to adopt changes in store practice. The organi-
zation that Mr. Mosher represents, Pacific Institute for Research and
Evaluation, has done exemplary federally-supported work in behalf of
alcohol law enforcement agencies. Retailers deserve comparable assis-
tance.

3. A Responsible Retailing system has reasonable but significant asso-
ciated costs—especially if it includes the continuing compliance mon-
itoring that Mr. Mosher and we agree is necessary. Who should bear
these costs? The National Academies of Science and Institute of Med-
icine’s report, Reducing Underage Drinking: A Collective Responsibility
(NAS, 2004), calls for the industry to pony-up with funds to imple-
ment youth alcohol prevention strategies. Although there are funda-
mental differences between public and private stakeholders on other
issues like marketing practices and excise taxes, preventing underage
sales is an area where all stakeholders can agree and where industry
funding should be encouraged.

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REFERENCES

