



Case Study Report Eyes on Ages

Good practices to enhance the compliance with minimum age limits for selling and serving alcoholic beverages in EU Member States

Tender EAHC/2012/Health/06 Lot 1

“Action to prevent and reduce harm from alcohol”

Tenderer: Dutch Institute for Alcohol Policy (STAP)

Case Study Report Eyes on Ages

Good practices to enhance the compliance with minimum age limits for selling and serving alcoholic beverages in EU Member States

Colophon

Authors: drs. J. Mulder
J. de Greeff MSc

© Dutch Institute for Alcohol Policy (STAP)
P.O. box 9769
3506 GT Utrecht
Goeman Borgesiuslaan 77
3515 ET Utrecht
The Netherlands

August 2013

"The information and views set out in this report are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein."

"Reproduction is authorised provided the source is acknowledged".

Table of Contents

Introduction	5
1. Germany: Using underage test purchasers in enforcement strategies	6
1.1 General description of the enforcement strategy	6
1.2 How is the use of test purchasers organised?.....	6
1.3 What are the effects?	7
1.4 Policy implications.....	9
2. Poland: Banning the sales of alcohol by internet.....	10
2.1 Description of the ban	10
2.2 How is the ban organised?	11
2.3 What are the effects?	11
3. The Netherlands: The weekend-pool, a young age limit inspection team	12
3.1 General description of the weekend-pool.....	12
3.2 How is the weekend-pool organised?	12
3.3 What are the effects?	15
3.4 Points of attention.....	15
4. Sweden: STAD, a multi-component strategy on age limits from Stockholm.....	17
4.1 A general description of the intervention (STAD methodology).....	17
4.2 How is the multi-component approach organised?.....	17
4.3 What are the effects?	18
5. References.....	20



Introduction

In this case study report four good practices will be discussed that play a role in enhancing the compliance with minimum age limits for selling and serving alcoholic beverages in EU Member States. Four good practices have been selected by the operating team based on the following criteria: dispersion in Europe, the evidence based effects on compliance, feasibility and documentation of the used strategies.

The four good practices that will be described are the following:

1. Germany: Using underage test purchasers in enforcement strategies;
2. Poland: Banning the sales of alcohol by internet;
3. The Netherlands: The weekend-pool, a young age limit inspection team;
4. Sweden: STAD, a multi-component strategy on age limits from Stockholm.

Two practices have shown convincing results and can be labelled as evidence based interventions (Germany and Sweden). The two other practices seem promising but do not have data available to determine their evidence based status. However both approaches are in line with the general knowledge about effective alcohol strategies as published by the WHO (Babor, 2010).

Every good practice is described in three phases. First, a general description of the practice is provided. Thereafter is described how the practice is organised in the specific country and finally the effects of the practice on the compliance with the minimum age limits for alcohol are provided.



1 Germany: Using underage test purchasers in enforcement strategies¹

1.1 General description of the enforcement strategy

In order to improve the law enforcement of the restrictions and prohibitions named in the German Youth Protection Law ("Jugendschutzgesetz"), it is allowed to use test purchasers who have not yet reached the legal age to buy alcohol. These test purchasers can be used by enforcement officers to test the compliance with the age limits for alcohol in retail establishments. There are however some strict conditions to use underage test purchasers for this purpose. These conditions are described in the next paragraph.

1.2 How is the use of test purchasers organised?

Youth protection in public life is provided in the form of age limits on the sale of alcoholic products and on unguided access to restaurants and dance parties. Relevant provisions are part of the Youth Protection Law, which is a federal law. The enforcement of this law, however, must be enforced by the local authorities. In the federal states the regulatory agencies and youth welfare offices of counties and communes are responsible for the compliance with local child protection. This means that the counties and municipalities are responsible for it and not primarily the police. Nevertheless, the interior minister of Lower Saxony has adopted a provision in 2008 that obliges the police to monitor compliance with the protection of minors. In particular, the use of test purchasers was prescribed. Here, the cooperation between local police and authorities for control is required. The inspection work was accompanied by many sceptical questions. But the courts decided in some legal proceedings, that the use of test purchasers is compatible with the law. The conditions for using test purchasers are provided in the textbox below.

The conditions of using test purchasers for enforcement purposes

("Runderlass 302-51010/10-1-9", effective since 01-09-2010)

Underage test purchasers can be used during joint inspections by the municipality and the police in retail establishments to purchase alcohol.

Selection

- Only minors who register themselves voluntary can be used. Their expenses will not be paid for, except reimbursement of their travel costs.
- The selection of underage test purchasers is done with mutual consent between the municipality and the police. The test purchasers have to fit within the following description:
 - At least fifteen years old;
 - Appearance has to be corresponding with their actual age;
 - Intellectual development has to be corresponding with their actual age;
 - Reliable;
 - No police antecedents or known to be dangerous;
 - (In particular, minors who are trained for the police force or for an executive council are suitable for this task).

Planning and guidance

- Every test purchase is planned in mutual consent between the municipality and the police.
- The guidance of the test purchaser is provided by at least one responsible employee of the municipality or the police, so that there can be intervened at any time.
- The minors perform a test purchase outside their personal environment.
- In advance, in a conversation with the test purchaser the goal and the meaning of the test purchase have to be made clear. Also it has to be explained to the minor that it is possible that a testimony will be taken from him or her.
- The minor can refuse or stop the test purchase at any time without giving a reason.
- Eventually, the test purchase can be evaluated with the minor.

Implementation

- Questions asked by sellers about the age of the test purchaser have to be answered truthfully.
- After the test purchase a statement of the minor has to be included immediately.
- In case the sellers do not comply with the age limits and sell alcohol to the underage test purchaser, the seller must be heard immediately on the spot. The test purchasers are not allowed to be present during the hearing.
- A fine will not be imposed to the minor when doing a test purchase, if it is guaranteed that the minor will hand over the alcohol that was purchased to the accompanying officer immediately, without being able to consume the alcohol.

1.3 What are the effects?

An overview of the results of test purchases in the German region Lower Saxony (Niedersachsen) is given in Table 1. In the first 5 rows of the table the total numbers of test purchases (per type of selling point) is provided. We can see there is a decrease in the number of test purchases in the course of the years, from 2983 test purchases in 2009 to 1661 test purchases in 2012. Besides the number of test purchases, the relative number of violations by sellers during these test purchases has also decreased from 44,5% in 2009 to 37,6% in 2010. In the following years (2011 and 2012) the relative number of violations remained stable around the 36%. It strikes that, when looking at the number of measures, the relative number of warnings after a violation decreased over time. Instead, relatively more fines were

imposed to sellers. In 2009 in around 50% of the violations a fine was imposed, in 2010 around the 75% of the violations, while in 2011 and 2012 even in 90% of the cases a violation was found during a test purchase a fine was imposed. According to the results in Table 1 there has never been a prosecution of a seller.

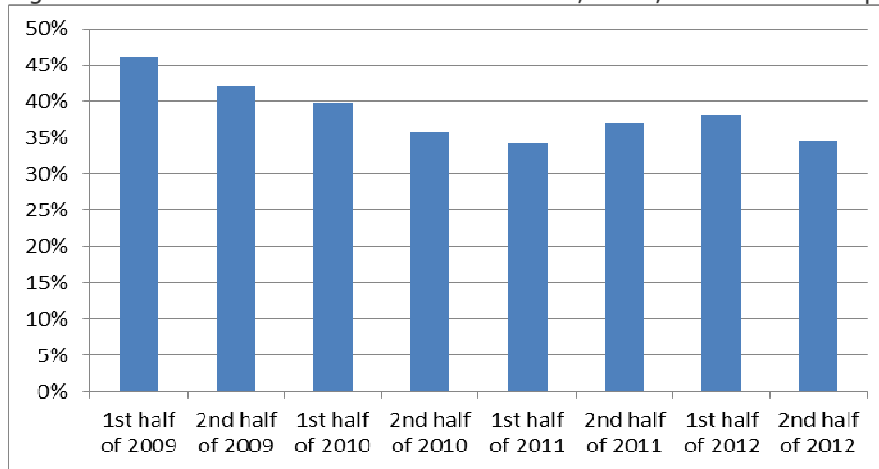
Table 1. Overall results of test purchases in the region Lower Saxony in 2009, 2010, 2011 and 2012.

	2009	2010	2011	2012
1. Total number of test purchases	2983	2537	2303	1661
1.1 Kiosks	664	434	376	304
1.2 Gas Stations	546	433	414	255
1.3 Retail Stores	1593	1609	1512	1079
1.4 Local Individual Events	15	21	1	16
2. Number of violations	1327	953	815	598
2.1 Kiosks	278	184	114	115
2.2 Gas Stations	220	130	141	94
2.3 Retail Stores	765	622	559	384
2.4 Local Individual Events	0	11	1	5
3. Number of measures	1382	974	922	600
3.1 Warnings without imposing fines	674	173	70	41
3.2 Imposing fines	730	726	829	532
3.3 Prosecution	0	0	0	0
Quote violations	44,5%	37,6%	35,4%	36,0%

Source: Police Headquarter Osnabrück, Lower Saxony, Germany

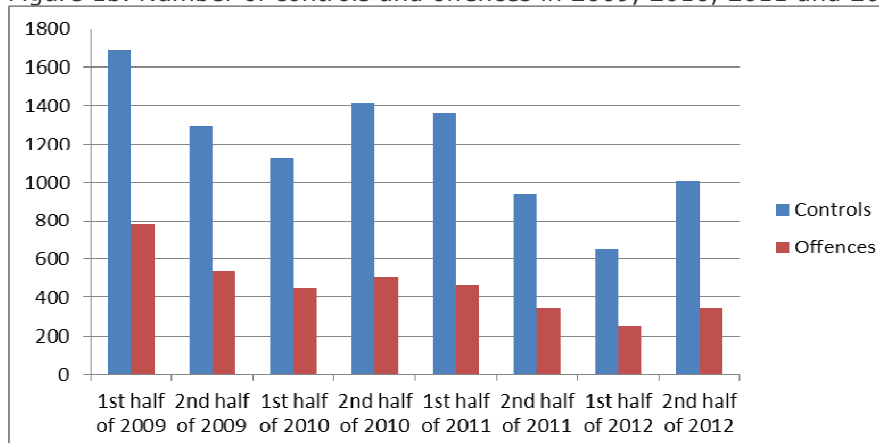
The numbers from Table 1 are illustrated in Figures 1a and 1b, which present the relative numbers of offences per test purchase and the actual number of offences and controls per semester. When looking at Figure 1a it strikes that in the second half of 2011 and the first half of 2012 a slight increase in the relative number of offences can be found. The sellers relatively violated the law more often than before and after this period. Figure 1b shows that during this same period there have been many fewer controls. When in the second half of 2012 the number of controls increased again, also the compliance by sellers increased: from violations in 38,1% of the test purchases to 34,6% of the test purchases. The number of controls and the compliance by sellers seem to be interrelated.

Figure 1a. Relative number of offences in 2009, 2010, 2011 and 2012 per semester.



Source: Police Headquarter Osnabrück, Lower Saxony, Germany

Figure 1b. Number of controls and offences in 2009, 2010, 2011 and 2012 per semester.



Source: Police Headquarter Osnabrück, Lower Saxony, Germany

1.4 Policy implications

In order to curtail the problem of adolescent alcohol abuse some federal states rely on the instrument of governmentally organised alcohol test purchases by minors. This approach is based on the assumption that alcohol will become more difficult for minors to obtain – and thereby less consumed – through targeted detection and consequent punishment of violations against the Youth Protection Law. The region believes that the data on changes in the relative number of offences show that the systematic implementation of test purchases in Lower Saxony produces the hoped effects.



2 Poland: Banning the sales of alcohol by internet²

2.1 Description of the ban

In to the Polish Civil Code. Therefore it is not allowed to sell alcohol by internet. Poland it is forbidden by law to sell alcohol by internet. However, this is not literally described in the law. The law that prohibits this way of selling alcohol was created before internet existed. In short the law states that it is illegal to sell alcohol in any other place then the point of sale that is described in the licence to sell alcohol. When the contract of sale is concluded by internet, the place of sale is the residence of the purchaser according.

Description of the Law

According to the Act on Upbringing in Sobriety and Counteracting Alcoholism each entrepreneur willing to trade in alcohol must obtain a relevant license from a chief officer or mayor with local jurisdiction. Retail sale of alcoholic beverages destined for on- and off-premise consumption, shall be carried out in points of sales. Each license has one point of sale. It means that it is illegal to sell alcohol in any other place then the point of sale.

According to the Polish Civil Code: When a contract of alcohol sale is concluded by internet, the place of sale is the residence of the purchaser. One of the conditions for selling alcohol is conducting business activities within the scope specified by the permit and only in the place indicated in the permit. Selling alcohol by internet is not in accordance with the permit and is both a criminal and an administrative offense.

Although this doesn't seem to be a measure to enhance the sellers' compliance with the age limits, it is both a measure to enhance the compliance and to limit the availability of alcohol to minors. A study from the US shows that age verification procedures by internet vendors (if there even is a verification procedure) do not adequately prevent online sales to minors (Williams, 2012). By forbidding the sales through internet, alcohol will be less available to minors. And measures limiting the availability of alcohol to minors are the most effective measures to reduce the use of alcohol among youngsters in this age group (Babor, 2010).



Age check on Polish website selling alcohol (Have you reached the age of 18 years? Yes or no?)

2.2 How is the ban organised?

The Act on Upbringing in Sobriety and Counteracting Alcoholism was created in 1982 and of course by that time no one could predict the possibility of selling alcohol by internet. Because of that there is no evident ban in Polish law for this kind of activity. Therefore, the State Agency for the Prevention of Alcohol-Related Problems (PARPA) has tried for many years to convince everyone (especially other state authorities) that trade in alcohol by internet is forbidden according to the Law. In the same time PARPA has tried to stop any legislative initiative to allow entrepreneurs to sell alcohol by internet. When PARPA finds that alcohol is sold by internet, the Head of Commune (Mayor, President of the City) is informed that they should initiate proceedings to withdraw the permit for selling alcohol. In the same time PARPA informs the persecutors office. The consequences for sellers when the persecutors office is informed is described below.

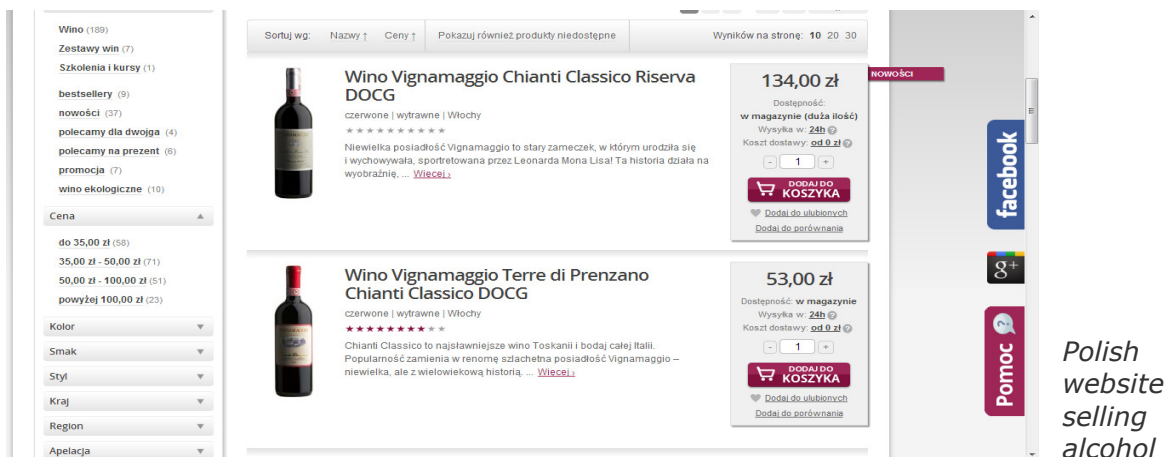
2.3 What are the effects?

Despite the efforts of PARPA there are still businesses selling alcohol by internet. This has led to several court cases, in which the businesses selling alcohol were accused of illegal sales. In one of these cases, the interpretation of the law by PARPA was confirmed (see textbox below).

In 2011 the Supreme Administrative Court in sentence II GSK 431/10 adjudicates:

„If the legislator didn't provide for a legal possibility to sell alcohol on the Internet, then on the grounds of the Act on Upbringing in Sobriety and Counteracting Alcoholism it is not permitted because – what results from the purpose of the Act – the superior objective is upbringing in sobriety and counteracting alcoholism. As counteracting alcoholism cannot be acknowledged such an interpretation of par. 18 of the Act which would enumerative extend the catalogue of permits for alcohol sale listed therein.”

Strengthened by this sentence, in early 2013 PARPA informed the persecutors office in Warsaw about the suspicion of a criminal activity of selling alcohol by two websites. Currently, the proceedings are still in progress.



The screenshot shows a Polish e-commerce website selling alcohol. The page displays two wine products:

- Wino Vignamaggio Chianti Classico Riserva DOCG**: Price 134,00 zł. Availability: in store (large quantity). Shipping: 24h. Delivery cost: 0 zł. A 'DODAJ DO KOSZYKA' button is visible.
- Wino Vignamaggio Terre di Prenzano Chianti Classico DOCG**: Price 53,00 zł. Availability: in store. Shipping: 24h. Delivery cost: 0 zł. A 'DODAJ DO KOSZYKA' button is visible.

The website includes a sidebar with filters for wine types, price ranges, and other attributes. Social media icons for Facebook and Google+ are present on the right side. The text 'Polish website selling alcohol' is overlaid on the bottom right of the screenshot.



Nederlandse Voedsel- en
Warenautoriteit
Ministerie van Economische Zaken,
Landbouw en Innovatie

3 The Netherlands: The weekend-pool, a young age limit inspection team³

3.1 General description of the weekend-pool

In 2008 the weekend-pool started as an inspection team for the NVWA to inspect the compliance of the legal age limits of on- and off-premise sales of alcohol in the Netherlands. The Dutch Food and Consumer Product Safety Authority (NVWA) already did inspections on legal age limits since 2001, but discovered that it became more difficult to detect age limit violations with officers older than 30 years of age. Especially in nightlife settings they were easily recognized or had to identify because they looked much older than the target group of the bar or club. The solution for this problem appeared to be young inspectors. These young inspectors can do inspections anonymous, they are better in estimating the age of the purchaser and they are also very well capable of communicating with the young target group.

3.2 How is the weekend-pool organised?

The weekend-pool consists of University students in the age of 19 to 25 years. The students mostly work in their weekends and holidays for the NVWA (max 0,3 fte). The weekend-poolers are recruited by an employment agency. During specific selection days their skills are being tested. If the candidates succeed they are trained to be an inspector at the NVWA. The education consists of a theoretical part (the law, inspection methods, writing of a penalty report) and a practical part (communication and defensibility training).

Weekend-poolers are designated as inspectors and therefore they have the same enforcement rights as an official inspector. Based on their findings a sanction can be imposed.

The weekend pool currently consists of:

- 1 team leader
- 1 planner
- 2 mentors
- 60 weekend-pool students

The planner plans the weekend-pool visits and checks if the inspections are carried out according to the protocol. The 2 mentors are the contact persons for the weekend-pool students. They also write the official penalty reports based on the findings of the weekend-poolers.

"As a weekend-pooler I do not only get useful work experience but I also do something good for society. Where I normally visit bars and clubs to party, I now check if the place is taking its responsibility with regard to the young visitors. Now I'm dealing with the societal, juridical, political and administrative side of buying alcohol. I'm a kind of 'watchdog'. And that is what I also want to be later on when I finish my study journalism."

(Weekend-pooler from Eindhoven)

The weekend-pool students operate anonymous. They make no contact with the entrepreneurs. This is important because they need to stay unrecognizable to be able to come back to the same place later on. Contact with the owner or manager is the responsibility of the NVWA inspector.

3.2.1 Desk and field research

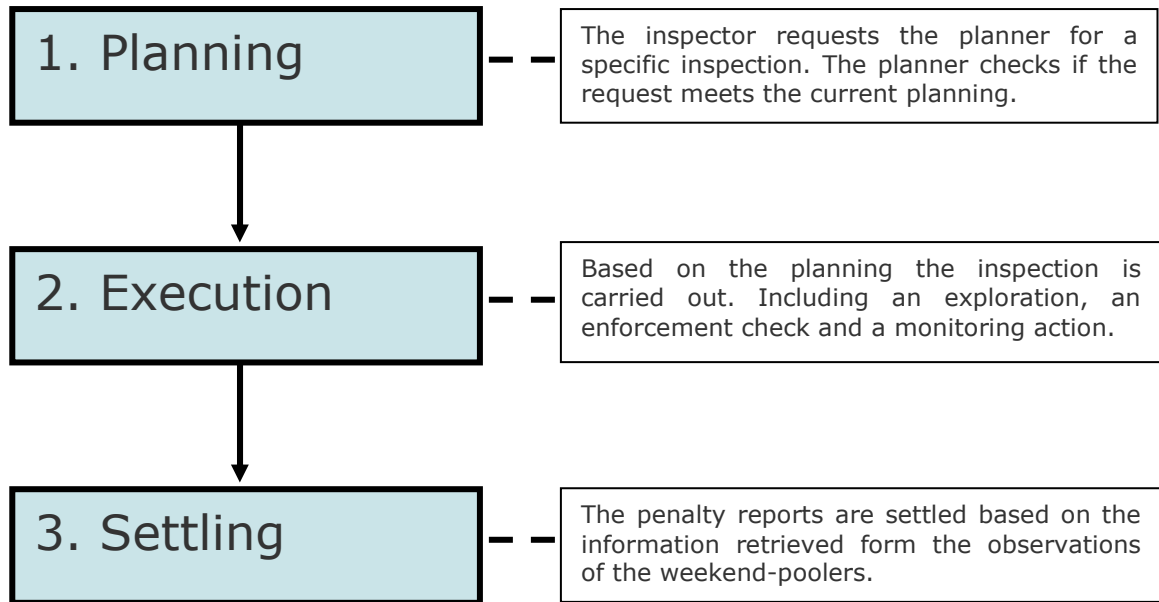
The weekend-poolers and the planner also do desk research. They use the internet, social media and they talk to youngsters about the popular places for youngsters (hotspots). Furthermore, they also do observations on location. When the research is done, a list is made containing the hotspots and the best dates and time frames for the enforcement inspection.

During the enforcement action the weekend-poolers perform the observation. They check the age of the youngsters that buy alcohol and gather the findings for the penalty report. After that they give the information to the inspectors. Subsequently, the inspectors enter the premises and talk to the owner. After the inspection the weekend-pooler writes an official report. All collected data is processed in a digital system. This makes it possible to check the specific inspection history in a later stage. In case of a violation of the law the weekend-pooler writes down his observations. The inspector uses these observations to make an official penalty report.

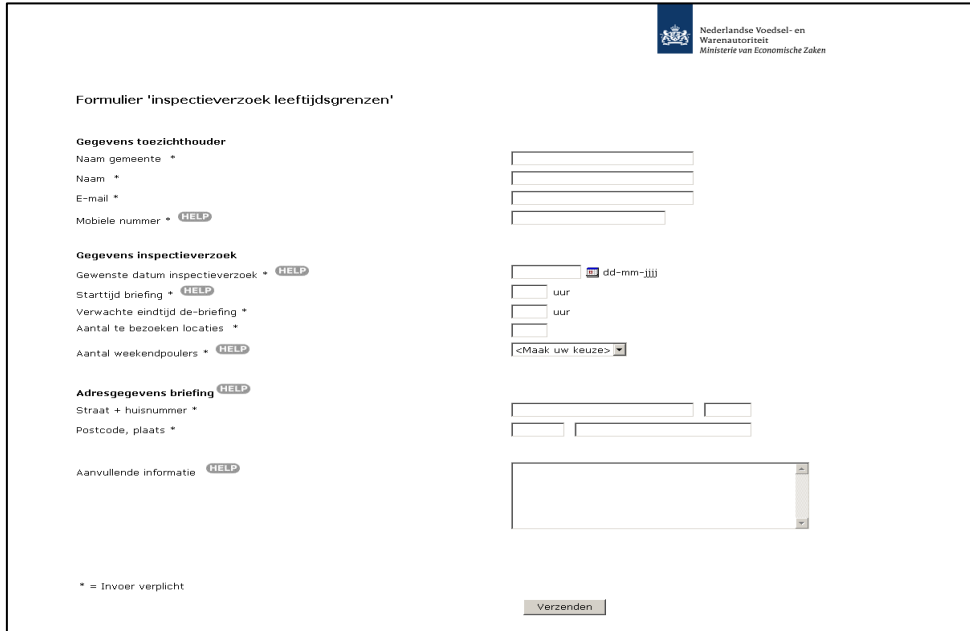


Weekend-poolers in the Netherlands

3.2.2 The process from planning to settling



The process from planning to settling is organised by a digital formdesk (see image below).



Formulier 'inspectieverzoek leeftijdsgrenzen'

Gegevens toezichthouder

Naam gemeente *

Naam *

E-mail *

Mobiele nummer * [HELP](#)

Gegevens inspectieverzoek

Gewenste datum inspectieverzoek * [HELP](#) dd-mm-jjjj

Starttijd briefing * [HELP](#) uur

Verwachte eindtijd de-briefing * uur

Aantal te bezoeken locaties *

Aantal weekendpoolers * [HELP](#) <Maak uw keuze>

Adresgegevens briefing [HELP](#)

Straat + huisnummer *

Postcode, plaats *

Aanvullende informatie [HELP](#)

* = Invoer verplicht

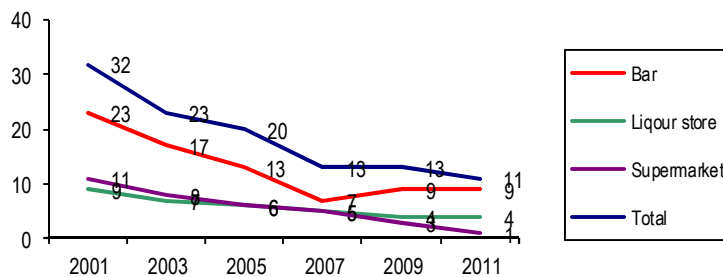
3.3 What are the effects?

As a result of the weekend-pool:

- The NVWA has a better view on hotspots;
- inspections in businesses where older inspectors could not enforce anymore are efficiently inspected again;
- and less youngsters try to buy alcohol.

The NVWA did research on the issue of minors purchasing alcohol. They asked minors every two years between 1999 and 2012 if they tried to purchase alcohol and how often they succeeded. The combined results led to the purchasing index in Figure 2.

Figure 2. purchasing index for buying alcohol by minors (Bieleman e.a., 2012)



3.3.1 Enforcement communication

To enlarge the effect of the inspection the NVWA uses enforcement communication, which influences a seller's presumed probability to be detected violating the alcohol laws. The higher the presumed probability to be detected, the more likely sellers are to comply with the legal age limits. Furthermore, enforcement communication can also be used to disseminate social norms on legal age limits.

Examples of enforcement communication are:

- Announcing inspections
- Do inspections in uniforms
- Publishing inspection results (media)
- Communicating about new methods
- Communicating about the number of inspectors

3.4 Points of attention

Working with young students has its own dynamics. Working is not their first priority because they are still studying and their social student life is important to them. This means that agreements about working need to be organized more formal than with regular staff.

There is a constant staff turnover. As soon as the weekend-pooler graduates and finds a job you need a replacement. The recruitment and training is therefore an ongoing aspect of working with weekend-poolers.

And finally, weekend-poolers work anonymous. This way of working might irritate sellers of alcohol. Most of all when penalties are imposed. The security of the weekend-poolers is a point of concern.

More information

The website of the NVWA:

<http://www.handhavingdhw.nl/>

A short movie about the weekend pool:

<http://www.youtube.com/watch?v=q8r32yfQAoU>

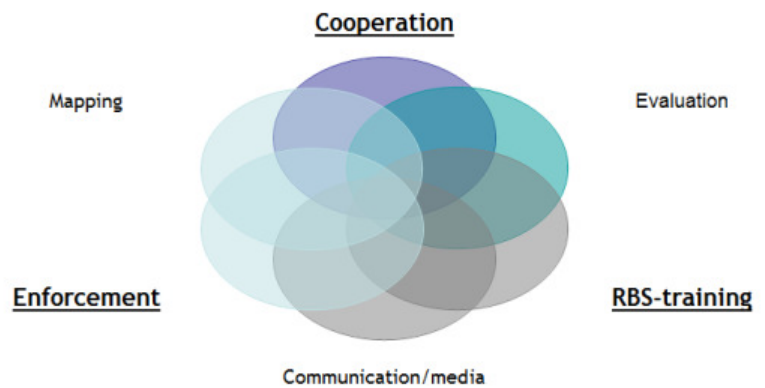


4 Sweden: STAD, a multi-component strategy on age limits from Stockholm⁴

4.1 A general description of the intervention (STAD methodology)

The STAD (Stockholm Prevents Alcohol and other Drugs) project was launched in 2006 in Stockholm. STAD is a community based multi-component program based on three pillars:

1. Training in responsible beverage service (RBS) for restaurant owners, servers and doormen.
2. Intensified enforcement by the police.
3. Community mobilization



The main goal for the method is to prevent violent crimes in nightlife settings. The STAD project is focussed on 550 licensed premises in the Northern part of Stockholm, with the Southern part of the city as a control area (270 premises). The project started with a needs assessment among restaurant owners and a problem analysis. In order to analyse the problem a test purchasing research was executed on alcohol service to minors and service to intoxicated patrons. The results were a 5% refusal rate to intoxicated patrons and a 55% refusal rate to minors.

4.2 How is the multi-component approach organised?

At the start of the project an action group was initiated. The group consisted of representatives from the County Council, the Licensing Board, police officers, the National Health Institute and the organisations of bar owners and restaurant employees. The action group formulated the mutual goal to decrease problems related to alcohol service at licensed premises. The program developed was based on three pillars:

4.2.1 Training program

A training program (RBS) was developed at the start of the project. The training persists of information regarding the medical perspective, the alcohol act, police cooperation, group discussions, narcotics and not the least conflict management (how

to handle drunk patrons). The training lasts for two days. The police also participates in the RBS training, taking care of two hours in the course.

4.2.2 Intensified enforcement

The police agreed with stricter enforcement of the alcohol laws. The number of police officers in the city centre who make one or more inspections were around twenty on a weeknight. Two extra police officers were fully focussed on inspections for the whole night. More recent it appeared that many police officers made inspections and made a "simple OKAY" report. They just went inside, had a quick look, and then left the premises after saying "It is okay in here". Even though they had never given themselves a really good chance to look for compliances. That meant that in a certain timeframe zero inspections were made, but over 300 hundred "okay" inspections were made. That is why the police shifted their approach from quantity to quality. The new approach was to make multiple inspections during a night in a very tight area. That means some clubs get several inspections during one night.



4.2.3 Cooperation

All partners signed a written agreement specifying each partner's responsibility in a permanent organisation for RBS. In 2002 more than 2000 persons had attended the training that has become obligatory for bar staff and doormen.

4.3 What are the effects?

Combined, the three fundamental parts have shown statistically significant decreases of the reported violent crimes both in Stockholm, where it all began, and in all of Sweden since the method has been spread by the National Public Health Institute. The compliance on refusing service to underage patrons increased from 55% in 1996 to 92% in 2007. The latter is a very high level of compliance internationally seen. And the effects were also visible in refusing over-serving to intoxicated patrons. On this issue the compliance raised from 5% in 1996 to 47% in 1999 and 70% in 2001.

Time series analysis showed a reduction of 29% in police reported violence in the experimental area compared with a slight increase in the control area. The cost-effectiveness ratio of this intervention is 1:39; every invested euro led to a reduction in societal costs of 39 euro.

The success of the project seemed to depend strongly on: the tight cooperation between the action group members, the head of the licensing board, positive media coverage, evidence provided by research data and increased enforcement by the police. Furthermore the 10-year timeframe allowed the project to document and built on the project and create a sustainable approach that is still running in Stockholm.

More information

The organisation behind STAD continued after the project in the STAD institute. On their website there is more information about recent projects and evaluations:

www.stad.org

5 References

Literature

- Babor T, Caetano R, Casswell S, et al. (2010). *Alcohol: No Ordinary Commodity – Research and Public Policy*. New York, NY: Oxford University Press.
- Bieleman, B., Kruize, A. & Zimmerman, C. (2012). *Naleving leeftijdsgrenzen 16 en 18 jaar drank- en horecawet: tweejaarlijkse metingen 1999-2011*. Groningen: IntraVal.
- Mansdotter, A.M., Rydberg, M.K., Wallin, E., Lindholm, L.A. & Andréasson, S. (2007). *Alcohol Consumption. A cost-effectiveness analysis of alcohol prevention targeting licensed premises*. *European Journal of Public Health*. Vol. 17, No. 6, 618-623
- Trolldal, B, Lönnqvist, L, Müller, D. & Leifman, H. (2007). *En Stor Starck Tack*. Stockholm, Sweden: STAD
- Wallin, E. (2004). *Responsible Beverage Service. Effects of a Community Action Project*. Stockholm, Sweden: Karolinska Institutet.
- Williams, R., Ribisl, K. (2012). Internet Alcohol Sales to Minors. *Archive of Pediatrics & Adolescent Medicine*, 166 (9), 808-813.

Sources (organisations)

1. Police Headquarter Osnabrück, Lower Saxony, Germany
2. State Agency for the Prevention of Alcohol-Related Problems (PARPA)
3. Dutch Food and Consumer Product Safety Authority (NVWA)
4. STAD (Stockholm Prevents Alcohol and other Drugs)





European
Commission

