



THE ACCURACY OF CLERKS AT ESTIMATING THE AGES OF THEIR CUSTOMERS:

Lessons from Psychological Research

Each state and province has a minimum age limit for purchasing alcohol, tobacco, and lottery tickets. Retailers are responsible for enforcing those age limits and may face stiff fines for violating the age requirements for controlled purposes. For example, Ontario corporations facing a second offense of selling tobacco to an individual under the age of 19 may be fined \$75,000 and may be banned from selling tobacco after the second offense. Retailers vary in their approaches to abiding by the customer age requirements. One approach is to require photo and age identification of every customer. Another approach is to require identification of customers who appear to be under a certain age, say, 25 years old.

Retailers who use a rule such as require age verification

from individuals who appear to be younger than 25 years old run a risk that a clerk will make an error in age estimation and incur an infraction for which the company will be responsible and possibly put the company's ability to sell controlled substances at risk. How accurate are clerks at estimating the ages of their customers? Some psychological research has been devoted to the accuracy of age estimation. In one study conducted in Wales, UK, servers were asked to judge whether persons were of legal age to purchase alcohol (18 years old). All of the persons whose ages were to be judged were 16 years old. When judging ages from photos, 38% of boys and 56% of girls were judged to be of legal drinking age. When operating as field agents, 60% of boys and 70% of girls were able to purchase alcohol from the clerks. Other studies showed that

clerks overestimate the ages of minors near the age of eligibility for purchase of alcohol or tobacco about one-third of the time. In several additional studies, age estimates varied from about two to four years from the actual ages of the persons whose ages were estimated.

The research also examines factors that affect the reliability of age estimation. The ages of females tend to be overestimated to a greater extent than the ages of males, as shown in the Wales study discussed above. There is some evidence that people are better at estimating the ages of persons of their own races and ethnicities than of persons of other races and ethnicities, particularly when those estimating age have less experience with members of the other races or ethnicities. Inattention and distraction during the task should reduce the accuracy of age estimation. Although facial and physical

features may serve as valid cues to age, other cues can be misleading. The manner in which people dress, the items that they carry, and the company with whom they present can make people appear older or younger than they are.

The psychological research on age estimation provides some useful information for contextualizing age estimation errors made by clerks in the course of their day-to-day work. Such errors may not be the result of deliberate flouting of the rules or otherwise falling down on the job but instead may be due to the perceptual error in an inherently challenging task. When an infraction occurs, close scrutiny of the characteristics of the person whose age was overestimated – including sex, race, ethnicity, dress, and comportment – may reveal information that may contribute to error in estimates of his or her age. A psychologist versed in the research on age estimation, serving in the role of consultant

or expert witness, can provide this contextual information.

In addition to providing contextual information in evaluating claims of age estimation errors, a psychologist can collect empirical data on the reliability of peoples' estimates of a specific person's age. In one case, I, together with my colleagues, conducted a study of peoples' estimates of the age of an undercover agent. About 200 individuals recruited from a university and from social media were asked to estimate the age of a minor who served as an undercover agent and purchased cigarettes from a convenience store. Participants viewed a photo and video of the agent taken on the day of the offense. About one-third of the participants were asked to estimate the participant's age in an open-ended format. One third were first asked whether the person was over 19 and then asked whether she was over 25 (for the other third the over 19 and over 25 questions were reversed). The result revealed

that peoples' age estimates of the undercover agent averaged 22.4 years old, significantly higher than the agent's actual age. Further, nearly two thirds of the sample thought she was over 19, and one in five thought she was over 25. In sum, according to this sample of 200, the agent appeared older than she was, and a substantial percentage thought she was over the age at which requesting identification is not necessary. Is it any surprise, therefore, that she was sold cigarettes from a clerk who was of a different race than the agent and a recent immigrant to Canada?

In closing, recognize that age estimation may be a challenging perceptual task with an error rate and factors that increase the risk of error. When errors in age estimation occur, it is important to understand whether the infraction was the product of a deliberate choice to break the rules or normal perceptual processes in an inherently challenging task.

Brian L. Cutler is a professor in the Faculty of Social Science and Humanities at the University of Ontario Institute of Technology. Professor Cutler regularly writes articles on forensic psychology and serves as a consultant and expert witness on eyewitness testimony and false confessions.

Contact: briancutler@mac.com **Website:** drbriancutler.com
