SERVE LEGAL
Empowering businesses to operate with confidence

Energy Drink Age Verification Compliance

Trial Audit Data Report 2025

This report shares the results of 110 undercover energy drink age-verification audits using 16–18-year-old shoppers. Only 25% of auditors were challenged for ID, revealing significant compliance gaps ahead of a potential under-16s ban.

CONTENTS

INTRODUCTION

Ahead of the proposed ban on energy drink sales to under-16s, Serve Legal offered free compliance audits to a number of supermarket, food to go, convenience and forecourt venues. The objective was to help retailers understand how effectively their current policies protect against underage energy drink sales by stress-testing ID checks with young-looking shoppers aged 16 to 18, in line with “Challenge 25” principles.

On each visit, a 16–18-year-old Serve Legal auditor attempted to buy an energy drink without proactively offering ID. At present, age verification for energy drinks is not a legal requirement, but several Serve Legal clients and UK retailers have chosen to introduce their own ID-check policies.

In England, a ban on high-caffeine energy drinks for under-16s is currently going through consultation and the legislative process. Serve Legal believes that businesses should get ahead of these proposed changes now, so they can demonstrate clear due diligence when new rules come into force.

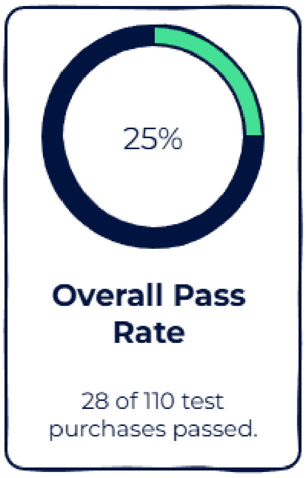
During this trial programme, a “pass” was recorded where the auditor was challenged for ID and the sale was refused or only proceeded after appropriate age verification. A “fail” was recorded where the sale went through without any ID being requested. Across 110 such test purchases, the results show that ID checks for energy drinks are being missed far more often than they are applied, and that current practice is significantly weaker than in other age-restricted categories with structured audit programmes. All of these test purchases took place at businesses across the UK and Ireland that state they implement age verification policies for selling energy drinks to those under 16 years old.

Serve Legal’s reporting goes far beyond simply recording a pass or a fail. Using what we believe to be industry-leading data and analytics, we provide retailers with detailed benchmarking across their estate and against wider market performance. Results can be broken down by region, sector, store format, till type and time of day, and, where available, by key demographics of the server such as age band. This level of insight shows not only whether compliance is being met, but where it is strongest, where it is weakest and which operational factors are driving the gaps.

The energy drink trial that follows applies this approach to a single emerging risk area. The data gives retailers a clear picture of how often 16–18-year-olds are challenged for ID when buying energy drinks today, and highlights where attention and investment will be needed if an under-16s ban is introduced.

OVERALL PERFORMANCE

In total, 110 test purchases were completed. Of these, 28 resulted in a pass, where the auditor was challenged and required to show ID before the transaction could proceed, or the sale was refused. The remaining 82 visits resulted in a fail, where no proof of age was requested and the sale was completed without any age-verification step. This produces an overall pass rate of 25 per cent.



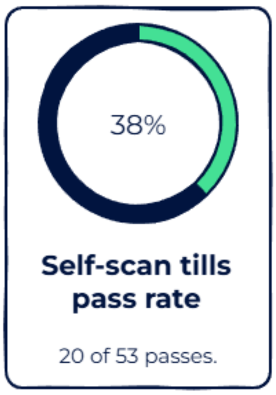
PERFORMANCE BY TILL TYPE

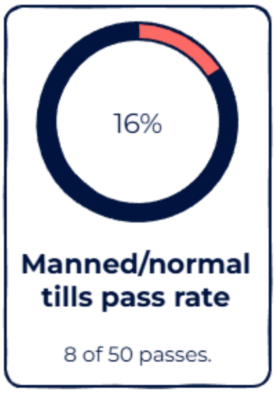
The trial measured performance across three till types: self-scan tills, normal manned tills and kiosks.

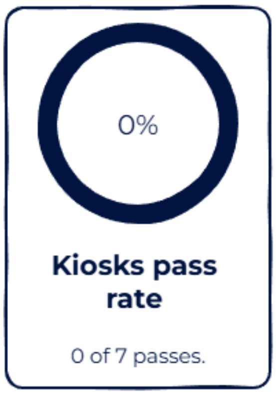
Self-scan tills performed best, with 20 passes and 33 fails out of 53 visits. In just over a third of these tests, staff stepped in to challenge the young auditor and request ID before the energy drink sale could go through. However, in most self-scan transactions, 16–18-year-olds were still able to buy energy drinks without any proof-of-age check.

Normal manned tills were considerably weaker. Out of 50 visits, only 8 resulted in a pass and 42 in a fail. Despite staff being directly in control of the sale, most young auditors were able to purchase without being asked for ID. This suggests that colleagues either do not associate energy drinks with age-verification requirements, or that any existing policy is not firmly embedded in day-to-day behaviour.

Serve Legal's wider age-verification data typically shows higher pass rates at manned checkouts than at self-scan, as eye contact and direct interaction usually support better age checks. In this trial, the opposite appears to be true: self-scan tills were more likely to trigger prompts and interventions than staff at manned tills were to ask for ID.



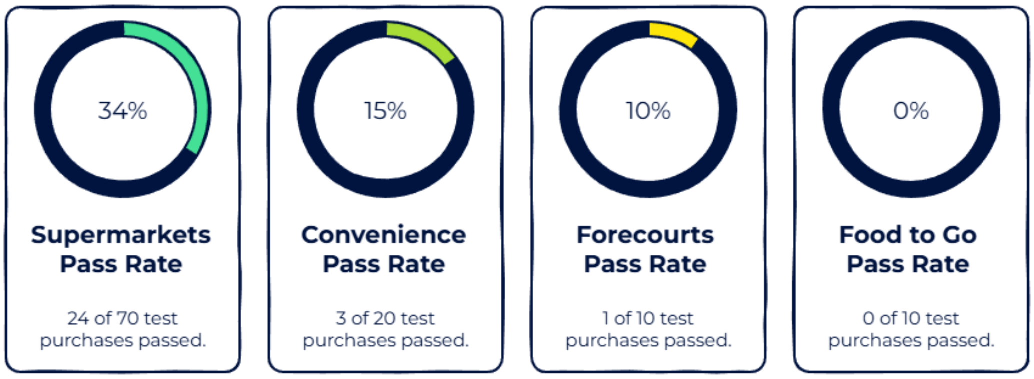




Kiosks emerged as the highest-risk format. For retailers using kiosk models, this represents a clear gap in the protection that should stop under-16s accessing high-caffeine drinks.

PERFORMANCE BY SECTOR

The trial included four key sectors: supermarkets, convenience stores, forecourts and food to go.



Supermarkets performed the strongest. In around one in three cases, staff correctly treated a 16–18-year-old auditor as someone who should be asked for proof of age before buying energy drinks. However, in two-thirds of supermarket visits, young auditors were allowed to buy without any ID being requested.

Convenience stores recorded 3 passes and 17 fails out of 20 visits. Forecourts recorded a pass rate of 10 per cent. Both sectors show that energy drinks are not yet being consistently treated as a product that should trigger age-verification behaviour.

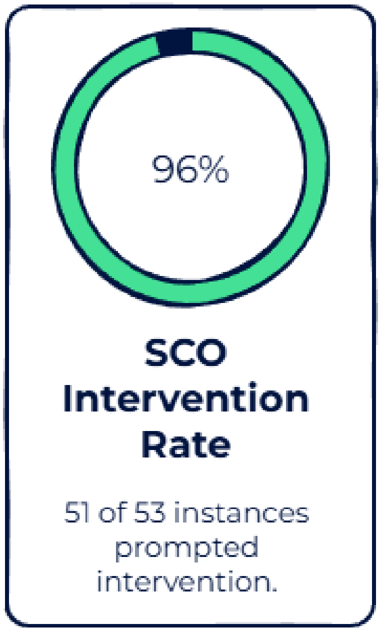
Food-to-go venues are starting from the lowest base. All 10 tests in this sector resulted in a fail. This strongly suggests that energy drinks are still seen as standard soft drinks in many food-to-go formats, with minimal connection to age-verification policy or training. It is important for these industries to take proactive action ahead of the proposed ban to ensure strict policies and training are in place.

PERFORMANCE BY REGION

The trial also revealed marked regional variation in how often young auditors were challenged for ID when purchasing energy drinks.

Pass rates varied widely by region, ranging from 43 per cent in the South West to just 7 per cent in Wales and the North West, with most other regions sitting somewhere in between. Taken together, the regional results show that the likelihood of a young person being challenged for ID when buying an energy drink depends not just on what policies exist on paper, but on where they shop and how those policies are implemented locally. Data like this is vital for businesses to spot gaps in how compliance is being applied across their estate, target training where it's needed most, and plan ahead for possible Trading Standards assessments.

SELF-CHECKOUT INTERVENTION



For self-scan tills, the trial also tracked whether the self-checkout till triggered staff to intervene. Intervention was recorded in 51 cases and not recorded in only 2, giving an intervention rate of 96 per cent at self-checkout.

However, despite 96 per cent of audits flagging the age-restricted product in the bagging area, only 38 per cent of audits passed with ID being requested meaning staff are seeing these prompts and choosing to ignore or override them.

This high intervention rate is encouraging and shows that the retailers we tested do have internal age verification prompts in place for energy drinks. However, prompts alone are not enough. Their effectiveness depends on staff being trained and empowered to follow through with an ID check whenever the system highlights a potential risk.

COMPARISON WITH WIDER SERVE LEGAL AUDIT DATA

The picture becomes clearer when the energy drink trial is set alongside Serve Legal's broader age-verification data. Across Serve Legal's 2024 e-cigarette age-verification audits, where retailers run structured compliance programmes and use young-looking test purchasers in a similar age band, clients achieve an average pass rate of 76 per cent. Looking back across previous years and across a range of restricted categories, long-term programmes consistently deliver pass rates between 66 per cent and 92 per cent.

These figures represent the proportion of visits where stores correctly challenge and require proof of age from young-looking shoppers. They demonstrate that high levels of ID checking are achievable when a product category is treated as a priority, when staff receive clear training and when performance is continuously monitored.

By contrast, the 25 per cent pass rate recorded in this energy drink trial shows that the same rigour is not currently being applied to energy drink sales in a number of UK retailers. The gap between a 25 per cent and a 76 per cent pass rate is not about what staff are capable of; it is about where leadership attention, training and investment have been directed. Alcohol and e-cigarettes have been treated as core compliance risks for many years, with dedicated government and Trading Standards focus and budget. With energy drinks becoming a point of compliance conversation in Parliament, it is time for many organisations to make this category a priority too.

The evidence from this trial and from wider Serve Legal data is that investment in compliance services works. Regular audits using 16–18-year-old test purchasers highlight where ID checks are being missed, pinpoint training needs and drive changes in behaviour. They also create a clear record of the steps a retailer is taking to prevent underage access, which is vital when demonstrating due diligence to regulators, local authorities and brand owners.

IMPLICATIONS AND NEXT STEPS FOR RETAILERS

The proposed under-16s energy drink ban will bring energy drinks firmly into the age-restricted space, alongside alcohol, tobacco and e-cigarettes. This trial shows that, when faced with 16–18-year-old customers who look old enough to be asked for ID, most stores are not yet applying robust challenge-and-check behaviour for energy drinks, even though their internal policies suggest they should be.

The greatest weaknesses are seen in food-to-go venues, forecourts, kiosks, convenience stores and certain regions such as Wales and the North West. Even in the best-performing sectors and regions, a large majority of young auditors were still able to buy energy drinks without showing proof of age.

Retailers now have an opportunity to use this data as a starting point. Bringing energy drinks into existing age-verification frameworks, training colleagues to treat them as age-sensitive products, and auditing performance regularly with 16–18-year-old test purchasers will quickly shift pass rates away from the current 25 per cent baseline and closer to the 66 to 92 per cent range that is already being achieved in this space, by Serve Legal clients.

This trial was designed as a stress test of ID checks, not as an exercise in catching stores out. The next step is to use structured programmes to track improvement over time, reduce risk and demonstrate clearly that the business is taking the issue of energy drink access for young people seriously.

To discuss this data in more detail or to chat with the Serve Legal team about our audit offering, get in touch via businessenquiries@servelegal.co.uk.