

**MEDIA RELEASE 11 December 2017**

**Ice Hockey player suspended for 2 years for anti-doping rule violation**

The Sports Tribunal has suspended ice hockey player Mitchell Frear, for a period of two years for purchasing a prohibited substance, clenbuterol, from an online website *NZ Clenbuterol* in 2014. The offending came to light in November 2015, after Drug Free Sport New Zealand (DFSNZ) received information from Medsafe following its investigation into an online steroid supplier called *NZ Clenbuterol*.

Mr Frear purchased the product because of its advertised “fat burning” properties as he had gained weight while studying. He stated he did not seek to cheat and had never intentionally or otherwise taken a prohibited substance.

Mr Frear was provisionally suspended without opposition on 3 November 2017. He admitted the violation but asked to be heard as to the appropriate sanction. The presumptive period of ineligibility for the possession of an anabolic agent such as clenbuterol is two years but this period may be reduced if the athlete can show no significant fault or negligence in relation to the violation.

The Tribunal assessed the appropriate sanction having regard to Mr Frear’s degree of fault and considered that a period of two years’ ineligibility had to be imposed taking into account:

- Mr Frear exercised no caution in purchasing the product given the obligations on athletes under the Code
- he did not undertake any research or obtain further information about the substance he was purchasing online
- he did not check with a team member, coach, DFSNZ, or seek advice from a doctor or any medical personnel
- he was an experienced athlete, having played ice hockey at an international level since 2008.

All athletes must be aware of the strict obligations imposed under SADR. Mr Frear purchased a substance online without any consideration of the risks and in breach of the high standards expected of all athletes. He exercised no caution in purchasing the product and took no action to uphold the high standards and clear obligations placed on all sport participants by the anti-doping regime.

The Tribunal was also asked to backdate the period of commencement to when the breach occurred on 27 October 2014.

The Tribunal was concerned about the time which elapsed between the matter initially coming to the attention of DFSNZ in 2015 and the subsequent lengthy investigation process before proceedings were filed against Mr Frear in September 2017. The Tribunal noted that Mr Frear made no attempt to avoid detection and was not at fault for the length of time it took DFSNZ to

file proceedings before it. The Tribunal considered Mr Frear was entitled to some allowance for these delays.

Mr Frear's two-year suspension from participating in sport was therefore backdated to 1 January 2017, given his timely admission and the significant delays in DFSNZ bringing the case before the Tribunal.

The decision in this case is available for download from the website of the Sports Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)). See *Drug Free Sport New Zealand v Mitchell Frear* (ST 08/17). Copies can also be obtained directly from the Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)).