

MEDIA RELEASE

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Sports Tribunal Suspends Runner for Anti-Doping Violation

The Sports Tribunal has suspended runner, Anna Bramley, for three months due to a positive test for the prohibited substance canrenone (a metabolite of spironolactone). Ms Bramley was tested at the Athletics New Zealand Track and Field Championships on 26 March 2011.

Ms Bramley admitted the violation and gave evidence that it was due to her taking spironolactone that she had been prescribed for a medical condition. She was first prescribed spironolactone in 2005 and this prescription was repeated when she later became a patient of a different GP, who is also a sports doctor, in 2008. Ms Bramley is a former New Zealand equestrian representative but had not competed in that sport for some time. She took up running in 2008 and in 2010 won, or achieved places, in regional and national competitions.

On the evidence, Ms Bramley did not advise her current doctor at any stage that she was now running at a national level nor did she check with the doctor whether her prescribed medication may possibly be banned in sport. She had not “turned her mind” to this issue. Her doctor was not aware she was competing at a national level, otherwise her doctor would have advised Ms Bramley to apply for a therapeutic use exemption.

The World Anti-Doping (WADA) Code and the Sports Anti-Doping Rules impose a duty of strict liability on athletes to ensure that no prohibited substance enters their bodies and it is not necessary to show intent, fault, negligence or knowing use on an athlete’s part to establish a violation.

The Tribunal reviewed its own decisions, and those of overseas tribunals, where athletes have taken prohibited substances that were prescribed and noted the duty on athletes to check their medication does not contain banned substances. Some cases refer to a “duty of utmost caution” on athletes to avoid taking prohibited substances, including prescribed medications.

The Tribunal considered that Ms Bramley did not take spironolactone to enhance her performance and that she was clearly not a “drugs cheat”. However, an athlete cannot avoid personal responsibility by “leaving it” to a doctor. The Tribunal stated:

The fact a substance is prescribed for a medical condition does not diminish the athlete’s strict personal responsibility. The fact a sports doctor is consulted may be relevant if discussion about legitimate use takes place. It is for the athlete to initiate that. No fault attaches to the doctor here and the athlete’s counsel fairly accepted that. We do not consider the simple fact of attendance on a sports doctor is enough, in particular when the athlete never turned her mind to legitimacy of use, and never addressed the masking element of doping controls at all...The athlete is not a drugs cheat but she fell well short of addressing her responsibilities...

The Tribunal suspended Ms Bramley from participating in sport for three months commencing from 5 May 2011 (the date of her provisional suspension).

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Drug Free Sport New Zealand v Anna Bramley* (ST 03/11). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).