

## **MEDIA RELEASE**

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### **Sports Tribunal Suspends Swimmer for Anti-Doping Violation**

The Sports Tribunal has suspended swimmer, Blair Jacobs, for 12 months for an anti-doping violation. Mr Jacobs tested positive for the prohibited substance 1-3 dimethylpentylamine, also known as methylhexaneamine, at the 2010 National Short Course Swimming Championships.

Mr Jacobs admitted the violation and gave evidence that the violation was due to him taking two supplements which he bought online. He did not investigate the ingredients of the products other than referring to their labels. He believed they were energy drinks, containing caffeine and creatine, that would help him get over being tired from his job and give him energy to train. He was aware of athletes in other sports who took one of the products and assumed both products were safe to take. At the hearing, he gave evidence and acknowledged that the ingredient lists for both products listed methylhexaneamine but stated he had not been aware methylhexaneamine was prohibited.

Mr Jacobs had not been part of the swimming high performance programme and had not participated in any formal drug free education. However, he acknowledged he was generally aware of the drug testing programme, Drug Free Sport's services and the requirement not to take prohibited substances. He accepted he should have taken more care to fully research the ingredients in the supplements and to check whether he could legally take them.

The Tribunal accepted, by a narrow margin, that he had established he had not intended to enhance sports performance but was focussed on overcoming work tiredness. The Tribunal took into account in mitigation that: he was upfront in his declaration at the time of testing that he had been taking one of the products; that the work factor which motivated him into taking the supplements was extraneous to his swimming activities; and that he admitted the violation and accepted he was wrong to rely on informal assurances rather than making a proper enquiry.

The WADA Code and Sports Anti-Doping Rules place a high burden on athletes to be responsible for what they put in their body. Some cases refer to a "duty of utmost caution" on athletes to avoid taking prohibited substances. A competitor for a number of years at a national level like Mr Jacobs, even if not in the high performance squad, cannot avoid that fundamental obligation. The Tribunal thought this case was more serious than a previous Tribunal case involving methylhexaneamine, where a suspension of six months was imposed. In that case, the athlete made conscious attempts to identify the ambiguously labelled product ingredients and had sought assurance from the supplier. Here Mr Jacobs took no meaningful steps to obtain assurance the products did not contain banned substances, other than his interpretation of the product label.

The Tribunal suspended Mr Jacobs from participating in sport for 12 months commencing from 14 December 2010 (the date of his provisional suspension).

The decision in this case will be made available for download from the website of the Sports Tribunal ([www.sporttribunal.org.nz](http://www.sporttribunal.org.nz)). See *Drug Free Sport New Zealand v Blair Jacobs* (ST 24/10). 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](mailto:info@sporttribunal.org.nz)).