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Canoe sprinter suspended for two years for anti-doping rule violation

The Sports Tribunal has suspended Lee Marshall, a canoe sprinter, for a period of two years for returning test result indicating significantly elevated levels of androsterone, testosterone and 5 β Adiol, which are all non-specified substances prohibited at all times.

Mr Marshall elected not to have his 'B' sample tested and he admitted the violation. He was therefore provisionally suspended without opposition on 18 July 2019.

Mr Marshall submitted two emails to Drug Free Sport New Zealand (DFSNZ) to explain the mitigating circumstances surrounding his use of testosterone. These were accepted as evidence before the Tribunal.

DFSNZ did not express a view as to whether they considered the violation to be intentional, although it has been commonplace for DFSNZ to take a position before the Tribunal.

The Tribunal considered the violation and the evidence provided by Mr Marshall. It concluded that while his taking of the prohibited substances was imprudent, he had taken them for general health reasons and not to gain a performance advantage in the low level of recreational sporting activity he was partaking in.

The Tribunal concluded that by the narrowest of margins, Mr Marshall had proven on the balance of probabilities that the clearly admitted anti-doping rule violation was not intentional.

Having considered all available material, the Tribunal imposed a two year sanction period backdated to commence from 16 February 2019, being the date that the test was conducted.

The decision in this case is available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Lee Marshall* (ST 07/19). 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).