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Sports Tribunal considers another Medsafe *NZ Clenbuterol* case

The Sports Tribunal considered a case involving XYZ, a member of local surf life saving and golf clubs. XYZ had been identified as purchasing clenbuterol and dianabol (both anabolic steroids) from the *NZ Clenbuterol* website between November 2014 and January 2015.

This is the Tribunal's eleventh case relating to Medsafe's investigation into *NZ Clenbuterol*, which passed its transaction data to Drug Free Sport New Zealand (DFSNZ) to investigate those athletes that had purchased prohibited drugs online and were subject to sport anti-doping rules.

XYZ was provisionally suspended without opposition on 28 August 2018. On 7 September 2018 he admitted the online purchases of clenbuterol and dianabol. It was accepted on the evidence that his violation was not intentional.

The Tribunal heard argument as to whether XYZ, as a recreational athlete and member of the local surf life saving and golf clubs, had become bound to the Sports Anti-Doping Rules (SADR). It found that DFSNZ did have the discretion to expand the definition of "athlete" to include recreational athletes.

The Tribunal has made some observations as to the implications of people belonging to sports clubs finding themselves, by virtue of that membership and whether they participate in competitive sport at all, subject to the anti-doping regime that has previously been thought to be restricted to athletes competing in serious sport, either at international or national or the very least interclub level. It has also expressed other concerns relating to the administration of the anti-doping regime generally. Given that many of the drugs that are on the prohibited list because of their performance enhancing qualities are also prescribed by doctors and marketed to people who do not play competitive sport for medicinal and general health reasons, the Tribunal has said that the implications of this Decision should receive public attention.

The Tribunal has invited submissions on the sanction that should be imposed.

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 XYZ* (ST 12/18). 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).