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Touch player suspended for methylhexaneamine anti-doping violation

The Sports Tribunal suspended touch player, Quentin Gardiner, for 15 months for the presence of the prohibited substance methylhexaneamine (also known as 1, 3 dimethylpentylamine) in a sample taken from him after competing in the Touch Nationals final.

Mr Gardiner admitted the violation and said that the positive test for methylhexaneamine was due to him taking one or both of two supplements. He listed both products on his doping control testing form. He gave evidence that both historically contained methylhexaneamine but they no longer do. He said he took one supplement during the Touch Nationals competition and the other the day before the competition, three days before testing. He contended that the supplements he used must have come from an old batch. The Tribunal was satisfied methylhexaneamine entered Mr Gardiner's system through consumption of either or both supplements coming from an out-of-date batch.

Under the new 2015 Sports Anti-Doping Rules, the penalty for an anti-doping violation involving this substance was 2 years' suspension unless Mr Gardiner could show no significant fault. Mr Gardiner said he had no significant fault as: he didn't recall receiving any anti-doping education and there was no record of him attending such a seminar; he was previously told by supplement suppliers that both supplements did not contain any banned substances; gym members and team members had told him one of the supplements was safe to use; and he had checked an earlier container and sachet of both products and hadn't see any warning they contained banned substances. The Tribunal found Mr Gardiner had established no significant fault and was eligible for a penalty less than 2 years' suspension.

In deciding the appropriate penalty, the Tribunal had to assess Mr Gardiner's degree of fault.

The Tribunal referred to the unusual circumstances that Mr Gardiner "had checked earlier labels of the same product, which did not note any prohibited substance or give a warning. The current stock of the product appears to not contain any prohibited substances. Mr Gardiner has been caught by what appears to be old stock."

The Tribunal stated Mr Gardiner's fault was at the higher end of the scale as he

- did not examine the labels of the products he actually took
- sourced the supplements at a discounted rate from a friend, rather than through a reputable supplier
- did not conduct any internet searches in respect of the products
- did not contact Drug Free Sport New Zealand (DFS) in respect of the products, and
- used the supplements immediately before and during competition.

Counsel for DFS and Mr Gardiner jointly submitted that 15 months' suspension was appropriate in the circumstances and the context of the recent rule changes and the Tribunal agreed.

Mr Gardiner's suspension from participating in sport commences from 8 March 2015 (the date of sample collection) in light of his co-operation.

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 Quentin Gardiner* (ST 06/15). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).