

MEDIA RELEASE 2 March 2016

Football player suspended for probenecid anti-doping rule violation

The Sports Tribunal has suspended National Women's League (NWL) football player, Kelsey Kennard, for six months for the presence of the prohibited substance, probenecid, in a sample taken from her in competition on 22 November 2015.

Ms Kennard was provisionally suspended without opposition on 23 December 2015. Ms Kennard promptly admitted the violation but asked to be heard as to the appropriate sanction. The case involved the unintentional use of probenecid, for which the standard period of ineligibility is two years under the Sports Anti-Doping Rules 2015 (SADR).

On 10 September 2015, Ms Kennard attended an Urgent Doctor's clinic and was diagnosed with a bad case of cellulitis. She was administered the protocol treatment for cellulitis, being antibiotics together with probenecid to boost the effectiveness of the antibiotics. Ms Kennard returned to the clinic the following two evenings and received the same treatment, including a further dose of probenecid on each occasion. At the time of treatment, Ms Kennard was not intending to play football for the next few months and therefore did not tell the doctors treating her that she was subject to the anti-doping testing regime, nor did she make inquiries about what medication she was being given.

Shortly after, Ms Kennard was persuaded to play football and commenced training for the 2015 NWL competition. She attended a Drug Free Sport New Zealand (DFS) educational seminar with her NWL team on 24 September 2015, as she had at the start of the previous NWL season. Ms Kennard did not make any inquiries about the medication she had taken to treat her cellulitis at, or following, this seminar.

Ms Kennard was tested at her last NWL game for the season. She did not disclose probenecid on the doping control form as over two months had elapsed since her treatment, although she did disclose the iron medication that she had taken in the past week.

The World Anti-Doping Agency (WADA) Code on which the SADR are based was amended in 2015. The Tribunal can still consider a reduction of the two year period of ineligibility for cases involving a specified substance, however, the athlete must first establish that there was no significant fault or negligence in relation to the violation.

The Tribunal was satisfied that Ms Kennard could establish no significant fault given the exceptional circumstances of the case including:

- the emergency nature of the treatment and the clear therapeutic reason for taking the substance;
- the fact that she was not intending to play in the NWL at the time she took the substance;
- the length of time the substance remained in her system from the time it was taken to the time of testing; and
- the change in status from a non-national level athlete to a national level athlete between the time of taking the substance and the time of testing.

The Tribunal then went on to assess the appropriate sanction having regard to Ms Kennard's degree of fault. This is in a context where athletes have strict obligations under SADR to exercise utmost caution to ensure what they ingest does not contain a prohibited substance even although there is no suggestion of drug cheating. Ms Kennard's level of fault was assessed on each of the three occasions where she may have been at fault – the time of treatment, at the DFS seminar, and at the time of testing. Considering the totality of the circumstances, the Tribunal determined that a period of six months ineligibility was appropriate.

Ms Kennard's suspension from participating in sport commences from 22 November 2015 (the date of sample collection) in light of her prompt admission of the violation. As Ms Kennard must serve at least one-half of the period of ineligibility from the date of the Tribunal's decision on 1 March 2016, her period of ineligibility will end on 1 June 2016.

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 Kelsey Kennard* (ST 14/15). 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).