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Rugby League player suspended for nine months for anti-doping rule violation

The Sports Tribunal has suspended rugby league player Michael Butson for nine months for the presence of the prohibited substance higenamine. Higenamine is a type of Beta-2 agonist, all of which are prohibited at all times in and out of competition.

Mr Butson plays rugby league at provincial level for the Canterbury Bulls. He tested positive for higenamine in a sample he provided following a rugby league training session on 22 September 2016. Mr Butson was provisionally suspended without opposition on 19 December 2016.

On 27 April, a joint memorandum was provided to the Tribunal on behalf of Drug Free Sport New Zealand (DFSNZ) and Mr Butson. In the memorandum Mr Butson admitted the violation but asked that certain factors be considered to help determine the appropriate sanction. The presumptive period of ineligibility for the unintentional presence of a specified substance (such as higenamine) is two years, but this period may be reduced if the athlete can show no significant fault or negligence in relation to the violation. DFSNZ did not contend that the violation was intentional.

It has since been established that the source of higenamine in Mr Butson's sample was due to his consumption of "The One 2.0", a pre-workout supplement manufactured by BPM Laboratories. Mr Butson was able to satisfy the Tribunal that this product was a "Contaminated Product" under the Sports Anti-Doping Rules as the product did not list that it contained higenamine on its packaging nor was this information available on a reasonable Internet search.

The assessment as to whether an athlete has no significant fault in relation to a violation is a fact specific exercise. Having considered all the evidence, the Tribunal was satisfied that Mr Butson had shown he was not at significant fault in testing positive for higenamine. In making this decision the Tribunal considered, among other things, the following:

- That Mr Butson disclosed the The One 2.0 supplement and dose taken on his Doping Control Form.
- The supplement was purchased from a retail store in Melbourne as opposed to online.
- That Mr Butson's trust in supplements may have in part resulted from his previous experience of having a nutritional and supplement regime in a professional environment having played for the Melbourne Storm.
- At the time of taking the supplement Mr Butson's personal life was at a low ebb and this may have contributed to his failure to take proper precautions.

In light of his immediate acknowledgment of the breach Mr Butson's period of suspension from participating in sport is backdated to 22 September 2016. The period of suspension will end on 8 July 2017.