

MEDIA RELEASE

9 September 2010

Sports Tribunal suspends Commonwealth Games cyclist for anti-doping violations

The Sports Tribunal has suspended Adam Stewart, who is a member of the New Zealand cycling team for the 2010 Commonwealth Games, from participating in sport for 2 years due to anti-doping violations involving attempted use, and possession, of prohibited substances. These violations relate to two incidents where he imported prohibited substances by post.

New Zealand Customs intercepted a parcel addressed to a PO Box number operated by Mr Stewart and referred the parcel to MedSafe in the Ministry of Health. The parcel contained six pre-filled syringes labelled Eprex Epoetin alfa 4000iu/0.4ml ("EPO"), one ampoule labelled Pregnyl Chorionic Gonadotropin 5000IU ("hCG") and one ampoule of Pregnyl Solvent. The importation was unlawful in terms of the Medicines Act 1981. These substances are prohibited substances under the WADA Prohibited List.

After being interviewed by a representative for Drug Free Sport New Zealand, Mr Stewart admitted to ordering and purchasing these substances for himself and to an earlier incident in 2009 where he ordered and received hCG but got rid of it without using it.

The matter came before the Sports Tribunal by way of an application by Bike NZ for provisional suspension. A hearing was scheduled for Monday 6 September 2010. The hearing of the provisional suspension application was adjourned until the evening of 7 September due to the lawyers representing Mr Stewart being unable to access their office because of the Canterbury earthquake. In the interim, Drug Free Sport filed its substantive application for anti-doping violation proceedings to the Tribunal on 7 September. The Tribunal therefore heard the substantive application under urgency on the evening of 7 September. It issued its decision to the parties on 8 September.

At the hearing, Mr Stewart admitted to the following violations:

- Attempting to use prohibited substances between 31 March 2009 and 19 May 2010 by ordering, purchasing and arranging for the delivery of the EPO, hCG and Pregnyl Solvent to a PO Box number.
- Being in possession of the prohibited substance hCG on or about 24 June 2009.

Under the Sports Anti-Doping Rules, the two incidents were to be treated as one violation with a prescribed penalty of two years' suspension. Despite this, there were aggravating circumstances in this case that, under the Rules, could have led to the Tribunal imposing a penalty of up to four years' suspension.

However, in view of the prompt admission and co-operation by Mr Stewart and Drug Free Sports' submissions recognising this, the Tribunal decided to impose the minimum sanction under the Rules of two years' suspension.

The Tribunal noted the severe consequences of the suspension on Mr Stewart and his cycling career, including that it will prevent him from competing in the 2010 Commonwealth Games.

However, consequences must follow in the case of an athlete who has infringed the Sports Anti-Doping Rules as Mr Stewart has done.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Adam Stewart* (ST 19/10). 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).