



MEDIA RELEASE

The following is a summary of the decision of the Sports Dispute Tribunal of New Zealand in the case of ***New Zealand Rugby League v Lawrence Erihe*** (SDT/09/04), an anti-doping violation application. This is not the written decision of the Tribunal for the purposes of Rule 24.3 of the Tribunal's Rules.

The Sports Disputes Tribunal has released its Decision in relation to an Anti-Doping Violation by Lawrence Erihe.

Mr Erihe tested positive for Ephedrine in 2004, following a rugby league game. He did not contest that finding, but denied any knowing use of a substance containing Ephedrine, and said that he had not intended to enhance his sport performance.

A lengthy process followed. Mr Erihe referred to medications prescribed for him, and supplements he took. The Tribunal made extensive enquiries before concluding that none of these accounted for the presence of Ephedrine.

A hearing was held in December 2004. In January 2005 Mr Erihe raised the possibility of his having drunk from a container belonging to a team mate, which may have contained a supplement, which he suggested may have accounted for the presence of Ephedrine. The Tribunal offered Mr Erihe the opportunity to take that matter further, which he declined, and this issue closed in February 2005.

For a "*specified substance*" including Ephedrine the penalties for a first violation range from a reprimand to one year's ineligibility, but only if certain criteria are met as set out in the World Anti-Doping Agency (WADA) Code. "*Specified substances*" are identified as suitable for lesser sanction because they are found commonly in medications, which may result in accidental violation, or do not in general act as doping agents in sport. These lesser sanctions apply only if the athlete can establish that the use of the specified substance was not intended to enhance sport performance.

Mr Erihe was not able to point to the source of the Ephedrine. Although that is not essential to allow a lesser sanction, it made the Tribunal's task much more difficult in determining whether the use of Ephedrine was not intended to enhance sport performance.

The onus is squarely on the athlete and the Tribunal concluded that Mr Erihe had not discharged the obligation on him. The more lenient sanctions were thus not available to him or the Tribunal, and a period of two years' ineligibility must follow. This was imposed from the date of his suspension following the positive test (3 September 2004).

The Tribunal in its written Decision made some further comments to demonstrate the considerable obligation on an athlete to avoid violation, and the need for caution when taking supplements.

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