

MEDIA RELEASE

20 December 2005

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **New Zealand Federation of Body Builders Inc v Barbora Jurcanova** (SDT/10/05), an anti-doping violation application. This is not the written decision of the Tribunal for the purposes of its rules.

The Sports Disputes Tribunal has suspended body builder Barbora Jurcanova for two years. Ms Jurcanova tested positive for the banned substance Clenbuterol while competing in the Auckland Body Building Championships on 21 May 2005, in which she won the "Novice Tall" section. The Tribunal gave an oral decision at the conclusion of the Hearing on 6 December 2005 and has today released the written reasons for that decision.

Ms Jurcanova was born and raised in the Czech Republic but has lived in New Zealand since 1999. At the end of 2004 she visited family in the Czech Republic and caught the flu. She used medicines belonging to her mother to treat this and one of these was Spiropent. Spiropent is a trade name for Clenbuterol, which is a prohibited substance under the World Anti-Doping Code 2005 Prohibited List. Ms Jurcanova brought the Spiropent tablets back to New Zealand and used these again to treat flu like symptoms she developed three to four days before the body building competition.

The World Anti-Doping Code (WADA Code) provides for a mandatory two year suspension, for a first violation involving Clenbuterol, unless the athlete can show "no fault" or "no significant fault". Ms. Jurcanova submitted that there was no significant fault on her part. She stated she did not realise that she was taking a prohibited substance and took the Spiropent to help her breathing and not to enhance her sports performance. She pointed out that she was a novice body builder who had not received the same instruction on anti-doping issues that an elite athlete would receive.

The Tribunal considered whether there should be a different test for a novice athlete, as opposed to an elite athlete, to establish "no significant fault". The Tribunal held that the test is the same although the circumstances of a novice may at times allow an athlete to establish exceptional circumstances. While the Tribunal had sympathy for Ms Jurcanova, she did not establish the exceptional circumstances required to demonstrate that she had no significant fault. Although she may not have received information about drugs before she competed in the Championships, she admitted she was aware of the need to avoid drugs and of the need for sport to be drug free. She took medication a few days before the Championship without checking what she was taking and the likely effect on her. Under Article 2.1 of the WADA Code, it was her obligation to ensure that no prohibited substance entered her system. Ms Jurcanova took no steps to ensure that the Spiropent was not a prohibited substance. Her inaction amounted to significant fault.

Ms Jurcanova has not competed since the Championships and the Tribunal ordered that the two year period of suspension should commence from 22 May 2005.

For further information, contact Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).