

MEDIA RELEASE

28 February 2008

Sports Tribunal finds New Zealand Softball representative not at fault for testing positive to morphine

Cindy Potae tested positive for morphine while competing for the New Zealand White Sox team at the 2006 International Softball World Championships in Beijing. Morphine is a prohibited substance under the Prohibited List of the World Anti-Doping Agency (WADA).

Ms Potae had suffered severe toothache before and during the tournament. The Tribunal accepted evidence that Ms Potae's room-mate at the tournament had supplied Ms Potae with two Nurofen Plus tablets to help her alleviate her toothache. These tablets are a widely used and commonly available painkiller which the room-mate had purchased "over the counter" in New Zealand prior to the tournament.

The Tribunal heard and accepted expert scientific evidence that codeine (an active ingredient in these tablets) metabolises into morphine in a person's system (at different rates and levels depending on the individual). Ms Potae's drug test result returned readings for both codeine and morphine. The Tribunal accepted further expert scientific evidence that Ms Potae's morphine reading in the drug test was consistent with her having taken the two codeine based tablets (based upon codeine/morphine ratios commonly accepted in the scientific literature).

The tablets do not contain morphine or any other prohibited substance. They do contain codeine which is not on the WADA prohibited list and is not a prohibited substance.

After hearing evidence, the Tribunal was satisfied, on the balance of probabilities, that the tablets were the source of the morphine in Ms Potae's test (as a result of the codeine metabolising into morphine in Ms Potae's system).

The Tribunal were satisfied that Ms Potae had established, on the balance of probabilities, that she was not at fault in taking the tablets. The Tribunal stated:

An athlete cannot be held to be at fault or to be negligent if he or she takes a recognised remedy, the contents of which are not on the prohibited list and which an athlete could not be expected to know, may lead in the case of some athletes to morphine being in the athlete's system.

As the Tribunal concluded that there was no fault or negligence on the part of Ms Potae, and pursuant to Article 10.5.1 of the WADA Code, no penalty (such as suspension or ineligibility) was imposed.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Softball New Zealand v Cindy Potae* (ST 04/07). Copies of the decision can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).