

MEDIA RELEASE

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Cricketer Jesse Ryder suspended for Anti-Doping Violation

The Sports Tribunal has suspended cricketer, Jesse Ryder, for an anti-doping violation.

Mr Ryder was tested at a Ford Trophy Wellington Firebirds game against Northern Knights on 24 March 2013. He returned a positive test for 1-Phenylbutan-2-amine (PBA) and N, alpha-diethyl-benzeneethanamine (DEBEA), both of which are banned in competition. The Tribunal provisionally suspended him on 19 April 2013. The hearing took place on 9 August 2013.

The mandatory penalty for this violation is two years' suspension. However the suspension can be less if the athlete establishes how the prohibited substances got in his system and that the taking of the prohibited substance was not intended to enhance his sport performance.

Mr Ryder admitted the violation and stated he had been using a dietary supplement in order to lose weight and had taken two capsules five days before being tested. The supplement didn't list any prohibited substances on its label. After testing positive, Mr Ryder engaged a forensic analyst to test the product. She gave evidence that her analysis confirmed the presence of prohibited substances in the product and the analytical findings were consistent with his evidence of when he took the capsules. The Tribunal was satisfied that the source of Mr Ryder's positive test was the supplement.

The Tribunal accepted the evidence that Mr Ryder took the supplement in order to lose weight. The Tribunal was satisfied that his taking of the two capsules five days before the cricket game was without any intent at all to enhance his sports performance in the game.

As Mr Ryder was able to establish how the substances got in his system, and that he didn't intend to enhance his sports performance, he was eligible for a lesser penalty. The Tribunal therefore had to assess his degree of fault in the circumstances. It noted that the anti-doping regime imposes a duty of utmost caution on athletes to avoid taking prohibited substances.

Mr Ryder took the supplement on the advice of a friend who had success losing weight using it. He made some enquiries on his own about the product, including internet searches and asking the strength and conditioning specialist he worked with about it, who also did some searches. Mr Ryder concluded it didn't contain any prohibited substances and got his manager to order it.

When he received the product he noticed it contained a warning on its label stating it may contain ingredients banned by certain organisations. He made internet searches on two of the ingredients but didn't contact Drug Free Sport to check about the product even though the product contained a warning. As a professional cricketer he had been subject to anti-doping education, including attending Drug Free Sport presentations during the previous season, and had received information about the need to be cautious about taking supplements. The failure to contact Drug Free Sport, having seen the warning on the label, is the most substantial factor of fault on the part of Mr Ryder.

The Tribunal thought this case was similar to an earlier case where it had imposed a six month suspension. Neither athlete intended to enhance their sports performance. Both had international experience, both had received drug education, both took supplements which were not for the purpose of enhancing sports performance, both supplements did not list the banned

ingredients and both made enquiries which were reasonable to make but which fell short of the expected standard of making an enquiry to Drug Free Sport.

The Tribunal thought a penalty of six months suspension was also appropriate in this case. As the Tribunal is required to credit any period of provisional suspension against the total period of ineligibility, the six months suspension applies from the date of provisional suspension of 19 April 2013. Therefore, Mr Ryder is suspended until 19 October 2013.

The decision in this case is available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Jesse Ryder* (ST 02/13). 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).