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Sports Tribunal Suspends Touch Player for Methylhexaneamine Anti-Doping Violation

The Sports Tribunal has suspended touch player, Wiremu Takerei, for 12 months for testing positive for the prohibited substance 1,3-dimethylpentylamine, also known as methylhexaneamine, after playing in the final of the National Touch Championships.

Mr Takerei admitted the violation and gave evidence it was due to taking a supplement offered to him by a team-mate to help keep him awake on the final day of the three day tournament. He asked the team-mate what the drink was and was told the supplement name and that it had been bought in a health store over other supplements because it was on sale and cheaper. Mr Takerei assumed it was an "energy drink" and safe to take and did not check the ingredients. However, unknown to him, the supplement contained the prohibited substance methylhexaneamine. This particular supplement, and certain others containing methylhexaneamine, are now banned from sale in New Zealand.

The mandatory penalty for this type of violation is two years' suspension. However, because methylhexaneamine is a "specified substance" under the Sports Anti-Doping Rules, the suspension period can be less than two years if the athlete can establish certain things including that the taking of the substance was not intended to enhance his sports performance.

Mr Takerei did shift work and usually slept at times some of the tournament matches were being played. He took the supplement several hours before the final and said he took it to counter the unusual sleep pattern caused by the shift work and took it solely for the purpose of "keeping his eyes open" and not to enhance his sports performance. However, during the hearing, he admitted he also took it to give him energy to play in the final.

The Tribunal discussed the conflict in recent international doping cases over the issue of whether an athlete who takes a *supplement* for performance enhancing reasons, but doesn't know it contains a prohibited substance, can still satisfy the test of not taking the *prohibited substance* for performance enhancing reasons. This was also the issue in the present case. Different cases have reached different conclusions over this issue so it is not yet finally settled. The Tribunal noted that this is an unsatisfactory position and hoped that WADA might move to bring certainty to this position in the near future.

In the present case, the Tribunal decided Mr Takerei had not comfortably satisfied them that he did not take the *supplement* (containing the prohibited substance methylhexaneamine) to enhance his sports performance. However, by a two to one majority, the Tribunal panel was comfortably satisfied he did not take *methylhexaneamine* to enhance his sports performance and so was eligible for a lesser penalty than two years' suspension.

There was a reasonable degree of fault. Mr Takerei knew about the dangers of performance-enhancing drugs but made no enquiry when the supplement was given to him to drink. He took it immediately before an important match and this should have alerted him to check what he was taking. He has been drug tested previously and has had some drug education.

While each case turns on its own facts, the Tribunal believes in being consistent in imposing penalties. The most recent comparable Tribunal decision was the *Blair Jacobs* case where 12 months suspension was imposed (also for a methylhexaneamine violation involving the same supplement). It was difficult to see how the suspension can be any less in the present case. The Tribunal therefore suspended Mr Takerei from sport for 12 months.

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 Wiremu Takerei* (ST 01/12). 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).