

## Case 6 – Presence of Prohibited Substance

### Key words

*Intent; Anabolic Steroid; Anti-Doping Training and Education; Internet Purchase; Mislabelling; Contamination; Research; [Doping](#)*

### Summary

Player C was charged with an Article 2.1 Anti-Doping Rule Violation (ADRV) under the 2015 World Anti-Doping Code for the presence of metabolites of dehydrochloromethyltestosterone (“DT”) a Prohibited Substance. On 8 June 2015 a urine sample was taken from Player C. The sample was analysed in accordance with WADA’s International Standards for Laboratories and returned an adverse analytical finding (“AAF”) for DT. The case was referred to the National Anti-Doping Panel for resolution under the UK Anti-Doping Rules, adopted by the Welsh Rugby Union (“the WRU”).

### Background Facts

Player C was diagnosed with dyslexia and dyspraxia in 2010.

Player C purchased a product called ‘M-Sten’ from Amazon after he heard a fellow weight trainer at his gym discuss taking the product. Player C commenced taking the product but stopped shortly after as he was experiencing side effects. The actual ingredients list on the product was too small to read. After conducting online research into the product, the Player discovered that the product contained a derivative of a steroid called methylstenbolone. Player C’s mother checked the WADA Banned Substance List, which included stenbolone. Player C’s mother flushed the remaining capsules down the toilet and threw away the packaging. As a result, the product was unavailable for testing. Player C accepted that ‘M-Sten’

contained a Prohibited Substance but contended that he was not aware of the presence of a Prohibited Substance in the product when he ingested the product.

### **Reasoning and Decision of the Tribunal**

During the hearing the head coach of Player C's club confirmed that no anti-doping training or education was provided to the Player. It also emerged that the Player was embarrassed to disclose his struggles with reading and the Tribunal noted that he was reluctant to ask questions which might appear to show ignorance.

UKAD's first expert witness confirmed that metabolites of DT cannot be naturally produced. Whilst the expert did not rule out the possibility that DT might have caused Player C's side effects, he stated that DT had a solid safety record in its use as a steroid for therapeutic use to treat muscle wasting conditions. UKAD's second expert witness confirmed that the chemical structure of DT and methylstenbolone are very different and concluded that the AAF could not have occurred because of the administration of methylstenbolone. It followed that either the Player was taking something else, or DT was presented in the 'M-Sten', even though it was not listed.

The case was unusual in that the Prohibited Substance contained in M-Sten was different to the Prohibited Substance found in Player C's system. Player C's counsel presented evidence to show that the mislabelling and contamination of steroid supplements sold on the internet was widespread. The Tribunal considered the prevalence of mislabelling and cross contamination of online products, and noted that it was striking that the expected steroid, Stenbolone, was not found in the Player's sample.

The Tribunal determined that Player C's conduct was not intentional and a factor in forming that view was that he had not been provided with any anti-doping information or nutritional advice by his club. Additionally, the Player's age and his dyslexia and dyspraxia made him reluctant to ask questions. The Tribunal rejected the No Significant Fault or Negligence submission and imposed a period of Ineligibility of two years on the Player.

## Learning points

- The lack of anti-doping education provided to the Player C by his club was a key concern for the Tribunal.
- Subjective considerations such as the level of education a player has been provided with, and any disabilities from which they suffer that may affect their ability to fully understand the risks of taking supplements, can be taken into account when considering whether the violation was 'intentional'.