

MEDIA RELEASE

28 April 2006

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 Daryll Tomuli** (SDT/02/06). This is not the written decision of the Tribunal for the purposes of its rules.

Tribunal suspends body builder

The Sports Disputes Tribunal has suspended body builder Daryll Tomuli for 2 years for committing an anti-doping violation.

Mr Tomuli tested positive for the prohibited substance nandrolone on two occasions:

- after competing in the Central North Island Body Building Championships on 22 October 2005 and
- after competing in the New Zealand Body Building Championships on 30 October 2005.

Circumstances of drug use

Mr. Tomuli admitted the violation and stated:

- prior to the competitions he had been supplied with a sample dietary product by another competitor within the sport
- he had confidence in the person supplying him with the product
- he took the product on the advice of this competitor without checking further
- he believed that this is how the nandrolone got into his system
- he had no idea that the product contained nandrolone
- he was sorry for his error of judgment.

Principles applied

Unless the defendant can establish the defences of “no fault or negligence” or “no significant fault or negligence” the penalty for a first anti-doping violation involving nandrolone is a 2 year suspension.

Mr Tomuli did not seek to establish these defences.

The Tribunal’s conclusions in this case

Mr Tomuli was correct in not trying to establish the no fault / no significant fault defences.

The two violations had to be treated as one violation in the circumstances of this case:

- the Tribunal accepted Mr Tomuli's evidence that he took the substance once only
- Mr Tomuli tested positive for the same drug in two events only 8 days apart
- under the World Anti-Doping Code, in order for the two positive tests to be treated as two separate violations, Mr Tomuli had to commit the second violation after he was notified of the first violation
- however, this did not happen as the second test occurred before he was notified of the first test being positive.

Mr. Tomuli, having admitted the violation, is to be suspended for 2 years.

However, the Tribunal considered the 2 year period should commence from the date on which he last competed (31 October 2005) for the following reasons:

- Mr Tomuli considered himself unable to compete from that date and had not done so
- there had been some delay in processing the matter (not all of which was due to Mr Tomuli)
- Mr Tomuli had co-operated with Drug Free Sport and other authorities
- Mr Tomuli agreed to participate in a body building drug education programme.

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