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NBL Basketball Player Suspended for Anti-Doping Violation

The Sports Tribunal has suspended Southland Sharks basketball player, Gareth Dawson, who tested positive to the prohibited substance tamoxifen during a pre-season NBL tournament.

The mandatory penalty for this violation is two years' suspension. However as tamoxifen is a "specified substance" the suspension can be less than two years if Mr Dawson established:

- how the prohibited substance tamoxifen got in his system and
- that taking the tamoxifen wasn't intended to enhance his sports performance.

Mr Dawson admitted the violation. He developed a medical condition in 2011, which was sore and annoying when competing, and went to a doctor in Timaru who diagnosed the condition but didn't prescribe treatment. The condition went away for 18 months then returned. In 2013 Mr Dawson researched the condition online, saw references to tamoxifen as a treatment and ordered tamoxifen tablets from an online pharmacy but didn't receive them as they were intercepted in the mail by NZ Customs. When the tablets didn't arrive he consulted a doctor in Invercargill where he was now living. He requested a "repeat prescription" of tamoxifen and was prescribed tamoxifen, which he later took. He said this was the source of the positive test.

The Tribunal was satisfied how the prohibited substance entered Mr Dawson's body, that he didn't intend to enhance his sports performance or mask the use of a performance enhancing substance and that it was obtained by prescription and taken to deal with a medical condition. Therefore he was eligible for suspension of less than two years, depending on his level of fault.

The Tribunal said athletes know there is a regime where they have strict personal responsibility to ensure that prohibited substances don't enter their bodies. If they are casual and inattentive to education provided, or don't use advice available, they do so at their peril.

In assessing Mr Dawson's level of fault, the Tribunal disagreed that he was merely silly or careless by trying to self-medicate but said he was foolhardy and his culpability was not at the low end. He was an experienced athlete who had ample opportunity to know and understand the drug free environment. Having obtained a medical diagnosis he irresponsibly later tried to get a prescription medicine from the Internet to treat it. That he'd shifted cities wasn't a persuasive reason to do this.

He didn't contact Drug Free Sport to check about tamoxifen or otherwise obtain any information about its anti-doping status and made little effort to exercise the proper caution expected of a semi-professional and experienced athlete to avoid taking prohibited substances. When he wasn't successful in obtaining tamoxifen from the Internet, he was less forthcoming with the next doctor he contacted than he should have been in asking for a repeat prescription.

The Tribunal concluded that the penalty couldn't be less than 12 months' suspension, because of Mr Dawson's failures to meet his personal responsibilities in the drug free environment, and suspended him until 15 May 2015 (which is 12 months from when he was provisionally suspended by the Tribunal).

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 Gareth Dawson* (ST 04/14). 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).