

MEDIA RELEASE

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **BikeNZ v Amy Mosen** (SDT/06/05), an anti-doping violation application. This is not the written decision of the Tribunal for the purposes of its rules.

The Sports Disputes Tribunal has reprimanded and given a warning to New Zealand representative cyclist Amy Mosen.

Ms Mosen tested positive for the banned substance terbutaline at a World Cup meeting in Australia in February 2005. Ms Mosen is an asthma sufferer and the terbutaline was contained in medication inside the asthma inhalers she was using.

Athletes suffering from asthma are permitted to use inhalers containing terbutaline so long as they obtain a Therapeutic Use Exemption (TUE). Ms Mosen was unaware that she had to seek a TUE and instead wrongly thought that all she had to do was obtain a medical certificate stating that she had been prescribed the asthma medication.

While the Tribunal considered it somewhat surprising Ms Mosen did not have a better knowledge of what was required, it accepted that in the circumstances she did not. She was selected at very short notice to represent New Zealand for the first time, was not a carded athlete, had not been on any drug testing programme, and had never been drug tested before.

Further, the Tribunal considered she was not provided with sufficient information from BikeNZ in relation to TUEs. The Tribunal made observations about the obligations on National Sports Organisations to provide information to athletes in relation to TUEs and anti-doping matters.

The Tribunal accepted that Ms Mosen did not use terbutaline with the intention of enhancing her sports performance and that her failure to obtain a TUE was due to inadvertence. Therefore the minimum penalty of a warning and reprimand was appropriate.

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