

Issued Decision

UK Anti-Doping and Drew Priday

Disciplinary Proceedings under the Anti-Doping Rules of the Welsh Rugby Union

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Welsh Rugby Union ('WRU') Anti-Doping Rules (the 'ADR'). It concerns an Anti-Doping Rule Violation committed by Mr Drew Priday contrary to the ADR.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The WRU is the governing body for the sport of Rugby Union in Wales. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom. The WRU has adopted the UK Anti-Doping Rules which are constituted as the ADR.
2. On Tuesday 27 September 2016, a UKAD Doping Control Officer ('DCO') collected a Sample from Mr Priday Out-of-Competition during a training session at TATA Steel RFC, Groes Field, Margam, Port Talbot, SA13 2AD.
3. The Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, Kings College London (the 'Laboratory'). The Laboratory analysed the Sample in accordance with the procedures set out in WADA's International Standard for Laboratories.
4. This analysis returned an Adverse Analytical Finding for metenolone and 1-methylene-5 α -androst-3 α -ol-17-one (a metabolite of metenolone) ('the Prohibited Substances') as confirmed by the Laboratory Test Report dated 14 October 2016.
5. Metenolone is a Prohibited Substance classified under S1.1a of the WADA 2016 Prohibited List ('the List') as an exogenous anabolic androgenic steroid. It is a Non-Specified Substance prohibited at all times.
6. According to UKAD records, Mr Priday does not have a Therapeutic Use Exemption ('TUE').
7. By letter dated 19 October 2016, UKAD issued Mr Priday with a Notice of Charge ('the Charge') for the commission of an Anti-Doping Rule Violation pursuant to Article 2.1 of the ADR (Presence of a Prohibited Substance). The Charge explained the facts relied upon in support of the allegation, the details of the Charge, the details of provisional suspension and the Consequences of an admission or proof of the anti-doping rule violation.

Admission and Consequences

8. ADR Article 2.1 provides that:

The following shall constitute an Anti-Doping Rule Violation:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

9. Mr Priday has admitted committing an Anti-Doping Rule Violation in violation of ADR Article 2.1. ADR Article 10.2 provides:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or Prohibited Methods.

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

- (a) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.
- (b) The Anti-Doping Rule Violation involves a Specified Substance and UKAD can establish that the Anti-Doping Rule Violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

10. ADR Article 10.2.1 therefore provides that in relation to this matter (being a matter that concerns Non-Specified Substances) the period of Ineligibility to be imposed shall be four years, unless Mr Priday can establish that the commission of the Anti-Doping Rule Violation was not intentional. The meaning of 'intentional' is explained in ADR Article 10.2.3, which states:

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes or other Persons who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk. (...)

11. On 7 November 2016, Mr Priday responded to the Charge via his representative, Mr Jason Torrance. Mr Torrance confirmed that Mr Priday waived his right to B Sample analysis and that he admitted to the Presence of the Prohibited Substances in his Sample.

12. Mr Torrance advanced an explanation that Mr Priday ingested metenolone using a product called 'Parablon 100' that he purchased '*towards the end of May or early June*' on the suggestion of a friend of a friend who trained at their local gym. He admits to ingesting the product by way of injection on six separate occasions, twice a week for a total of three weeks in the lead up to a holiday which began on 26 June 2016 in an attempt to '*cut fat and tone up*' prior to that holiday.

13. Mr Priday asserts that he did not purchase or use the Product to enhance his sporting performance but for personal vanity reasons ahead of his holiday.
14. Mr Torrance added by way of explanation that Mr Priday has had no Anti-Doping education or advice and he points to his youth, inexperience and lack of anti-doping training and education as mitigating factors.
15. UKAD liaised with the Laboratory in relation to Parabolon 100 in light of Mr Priday's explanation. The Laboratory informed UKAD that Parabolon 100 does not contain metenolone. Rather Parabolon 100 does contain trenbolone (hexahydrobenzylcarbonate).
16. UKAD therefore does not accept that Mr Priday has identified how the Prohibited Substance came to be in his system and does not accept that Mr Priday's Anti-Doping Rule Violation was not intentional.
17. The Athlete has not sought to rely on either ADR Article 10.4 or ADR Article 10.5 to reduce the period of Ineligibility.
18. In the circumstances, and as specified by UKAD in the Charge, the Consequences in respect of the Anti-Doping Rule Violation are as provided in ADR Article 10.2.1(a). A period of Ineligibility of four (4) years must therefore be imposed on Mr Priday.
19. Following the scientific review and consequent conclusions, Mr Torrance, on behalf of Mr Priday, accepted UKAD's position regarding intention and acceded to the Consequences.
20. ADR Article 7.7.4 provides:

7.7.4 In the event that UKAD withdraws the Notice of Charge, or the Athlete or other Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by UKAD (or is deemed to have done so in accordance with Article 7.7.1), neither B Sample analysis nor a hearing is required. Instead, UKAD shall promptly issue a reasoned decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Athlete or other Person and to each Interested Party, and shall Publicly Disclose the decision in accordance with Article 8.4.

21. UKAD therefore issues this Decision on the basis of the admission made by Mr Priday and pursuant to ADR Article 7.7.4 above.

Application of ADR Article 10.6.3

22. ADR Article 10.6.3 states:

10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1:

An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete's or other Person's degree of Fault by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and UKAD.

23. Therefore, pursuant to ADR Article 10.6.3, Mr Priday may receive a reduction in the period of Ineligibility. The length of that reduction is contingent on the seriousness of the Anti-Doping Rule Violation and his degree of Fault, which is to be determined at the discretion, and subject to the approval, of both WADA and UKAD (as expressly provided in ADR Article 10.6.3).

24. UKAD considers that Mr Priday's admission to the Charge to be a prompt admission for the purposes of ADR Article 10.6.3.

25. UKAD has considered whether Mr Priday's sanction should be reduced under ADR Article 10.6.3, by reference to the seriousness of the violation and his level of Fault, as set out below.

A. Seriousness of the Anti-Doping Rule Violation

26. Regarding the seriousness of the violation, UKAD considers that Anti-Doping Rule Violations pursuant to ADR Article 2.1 (Presence of a Prohibited Substance) are by their nature considered very serious (particularly when involving a powerful anabolic steroid). UKAD has therefore not exercised its discretion to reduce the period of Ineligibility on the basis of the seriousness of Mr Priday's violation.

B. Fault

27. Fault is defined in the ADR as follows:

Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

(emphasis added)

28. ADR Article 1.3.1 provides that the following comprise an Athlete's core responsibilities:

1.3.1 It is the personal responsibility of each Athlete:

- (a) to acquaint him/herself, and to ensure that each person (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of these Rules [...];
- (b) to comply with these rules in all respects;
- (c) to take full responsibility for what he/she ingests and uses;

- (d) to carry out research regarding any products or substances which he/she intends to ingest or Use (prior to such ingestion or Use) to ensure compliance with these Rules; such research shall, at a minimum, include a reasonable internet search of (1) the name of the product or substance, (2) the ingredients/substances listed on the product or substance label, and (3) other related information revealed through research of points (1) and (2).

29. It is an Athlete's core responsibility to monitor and control what substances enter their bodies. Athletes are also bound to be proactive in minimising the risk of inadvertently taking Prohibited Substances.

30. UKAD has exercised its discretion to make a small reduction in the period of Ineligibility based on Mr Priday's level of Fault considering his relative youth and lack of anti-doping education.

31. A proposed reduction of four (4) months was subject to the discretion and approval of WADA. UKAD sought WADA's views by email of 27 March 2017. WADA confirmed their agreement with the proposed reduction.

32. The period of Ineligibility to be imposed pursuant to ADR Article 10.2.1 (4 years) is therefore reduced by four months to a period of Ineligibility of three (3) years and eight (8) months on account of the prompt admission made by Mr Priday pursuant to ADR Article 10.6.3.

33. UKAD therefore records that a period of Ineligibility of three (3) years and eight (8) is hereby imposed pursuant to ADR Article 10.7.1 and this Decision is issued pursuant to ADR Article 7.7.4.

Disqualification of Results and Ineligibility

34. ADR Article 10.11.2 states:

10.11.2 Timely Admission:

Where the Athlete or other Person promptly (which means, in any event, before he/she competes again) admits the Anti-Doping Rule Violation after being confronted with it by UKAD, the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.

35. Mr Priday has made a timely admission for the purposes of ADR Article 10.11.2. However, the period of Ineligibility has already been reduced pursuant to ADR Article 10.6.3 such that ADR Article 10.11.2 is excluded from application in this instance.

36. ADR Article 10.11.3 provides the following:

10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served

- (a) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Athlete or other Person shall be credited against the total period of Ineligibility to be served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal. To get credit for any period of voluntary Provisional Suspension, however, the Athlete or other Person must have given written notice at the beginning of such period to UKAD (and UKAD shall copy that notice to each Interested Party) and have respected the Provisional Suspension.

(emphasis added)

37. Mr Priday has been subject to a Provisional Suspension since the date of the Charge, 19 October 2016.

38. Pursuant to ADR Article 10.11.3, the period of Ineligibility to be imposed on Mr Priday is therefore deemed to have commenced on 19 October 2016 and will expire at midnight on 18 June 2020.

39. During the period of Ineligibility, in accordance with ADR Article 10.12.1, Mr Priday shall not be permitted to participate in any capacity in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:

- the WRU or by any body that is a member of, or affiliated to, or licensed by the WRU;
- any Signatory (as that term is defined in the ADR);
- any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
- any professional league or any international- or national-level Event organisation; or
- any elite or national-level sporting activity funded by a government agency

40. Mr Priday may return to train with a team or to use the facilities of a club or other member organisation of the WRU or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 18 April 2020) pursuant to ADR Article 10.12.4(b).

41. Mr Priday, the WRU, World Rugby and WADA have a right of appeal against this Decision or any part of it in accordance with ADR Article 13.4.

42. The disposition of these proceedings on the terms set out above will be publicly announced via UKAD's website media release after any appeal period has expired and no appeal has been filed, or any appeal has been finalised.

Summary

43. For the reasons given above, UKAD has issued this Decision, which records that:

- Mr Priday has committed an Anti-Doping Rule Violation pursuant to ADR Article 2.1, specifically the presence of Metenolone;
- a period of Ineligibility of four (4) years is the applicable sanction pursuant to ADR Article 10.2.1;
- UKAD and WADA have exercised their discretion to reduce the period of Ineligibility by four (4) months based on Mr Priday's prompt admission and his appropriate degree of Fault pursuant to ADR Article 10.6.3;
- a period of Ineligibility of three (3) years and eight (8) months shall therefore be the Consequences imposed;
- pursuant to ADR Article 10.11.3 the period of Ineligibility is deemed to have commenced from 19 October 2016 and expires at midnight on 18 June 2020; and
- Mr Priday's status during the period of Ineligibility shall be as detailed in ADR Article 10.12, including that he may only return to train with a team or to use the facilities of a club or other member organisation of the WRU or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 18 April 2020) pursuant to ADR Article 10.12.4(b).

21 April 2017