

Issued Decision

UK Anti-Doping and Harry Aaronson

Disciplinary Proceedings under the Anti-Doping Rules of the Rugby Football League

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules (the 'ADR') of the Rugby Football League ('RFL'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Harry Aaronson and records the applicable Consequences.

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

Background and Facts

1. The RFL is the national governing body for the sport of rugby league in England. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. The RFL has adopted, as its own ADR, the UK Anti-Doping Rules¹, which are issued by UKAD and subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Aaronson is a 25-year-old rugby league player for Cornwall RLFC. At all material times in this matter, Mr Aaronson was subject to the jurisdiction of the RFL and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has Results Management responsibility in respect of all players that are subject to the jurisdiction of the RFL.
3. On 21 May 2023 UKAD Doping Control Personnel collected a urine Sample from Mr Aaronson In-Competition at a Betfred League 1 game between Rochdale Hornets and Cornwall RLFC.
4. Assisted by a UKAD Doping Control Officer ('DCO') in attendance, Mr Aaronson split the urine Sample into two separate bottles, which were given reference numbers A1184442 (the 'A Sample') and B1184442 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, Kings College ('the Laboratory'). The Laboratory analysed the A Sample in accordance with the

¹ (Version 1.0, in effect as from 1 January 2021)

procedures set out in WADA's International Standard for Laboratories and Technical Document TD2022MRPL.

6. Analysis of the A Sample returned Adverse Analytical Finding ('AAFs') for cocaine, and its Metabolite benzoylecgonine at estimated concentrations of 16 ng/mL and 2.43 µg/mL, respectively.
7. Cocaine is listed under S6.A of the WADA 2023 Prohibited List as a stimulant. It is a non-Specified Substance that is prohibited In-Competition only. Cocaine is also identified as one of four '*Substances of Abuse*' in the WADA 2023 Prohibited List.
8. Mr Aaronson does not have a Therapeutic Use Exemption ('TUE') for cocaine.
9. On 3 July 2023, UKAD sent Mr Aaronson a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Aaronson, in accordance with ADR Article 7.8, that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athletes Sample), and/or an ADRV pursuant to ADR Article 2.2 (Use or attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
10. On 7 and 14 July 2023 Mr Aaronson provided his responses to the Notice Letter. He admitted ingesting cocaine for recreational purposes within a social setting. He explained that on the evening of Friday 19 May 2023 he attended a sport presentation night where he consumed alcohol by way of 10 to 15 drinks of beer and vodka. He explained that he nasally ingested approximately 6 to 8 'keys' of cocaine, first administering the cocaine at approximately 20:30, with his last ingestion of cocaine occurring at or around 02:00 on Saturday 20 May 2023. Mr Aaronson estimates that the total amount of cocaine he ingested between 19 and 20 May 2023 was around 0.2g.
11. Following receipt of Mr Aaronson's responses, UKAD instructed Professor David Cowan OBE, former Director of the Laboratory, to review the account provided by Mr Aaronson. On 7 August 2023, Professor Cowan provided an expert report which concluded that Mr Aaronson's account, i.e. that he administered cocaine up to the early hours of Saturday 20 May 2023, was a plausible explanation of the AAFs based on the concentrations of cocaine and benzoylecgonine detected in Mr Aaronson's Sample. Therefore, on 1 September 2023 UKAD proceeded to issue Mr Aaronson with a Charge Letter in accordance with ADR Article 7.11.2.
12. The Charge Letter asserted the commission of an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athletes Sample) (the 'Charge')².

² Mr Aaronson was not charged with an ADRV pursuant to Article 2.2 (Use of a Prohibited Substance or a Prohibited Method) as cocaine is prohibited In-Competition only and there is no evidence to suggest that he ingested it after 23:59 on 20 May 2023 (i.e., within the In-Competition period).

Admission and Consequences

13. ADR Article 2.1 provides that the following is an ADRV:

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.

14. ADR Article 10.2.4 provides:

10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

(a) *If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.*

(b) [...]

15. On 4 September 2023 Mr Aaronson provided his response to the Charge Letter. Within his response he admitted to the ADRV charged, and stated he had undertaken a Substance of Abuse treatment programme administered by RFL Cares. On 11 September 2023 UKAD received from Mr Aaronson the Substance of Abuse treatment programme report. It was submitted that the completion of this programme would enable him to receive a further reduction to his three (3) month period of Ineligibility³, down to one (1) month in accordance with ADR Article 10.2.4(a).

16. UKAD reviewed the contents of the report in accordance with its own policy 'Substances of Abuse: Policy for determining approved treatment programmes,' (the 'Policy') and concluded that the sessions attended by Mr Aaronson constituted the satisfactory completion of a Substance of Abuse treatment programme, in line with the Policy. Mr Aaronson is therefore eligible for a further reduced period of Ineligibility of one (1) month pursuant to ADR Article 10.2.4(a).

17. Consequently, the applicable period of Ineligibility is one (1) month.

Commencement of period of Ineligibility

18. ADR Article 10.13 requires that the period of Ineligibility starts on the date the Ineligibility is accepted or otherwise imposed where there is no hearing.

³ UKAD asserted a three (3) month period of Ineligibility within the Charge Letter in view of Mr Aaronson's earlier responses to the Notice Letter and the written opinion of Professor Cowan, which taken together establish that Mr Aaronson's ingestion occurred Out-of-Competition and was unrelated to sport performance.

19. However, ADR Article 10.13.2 allows credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
20. Mr Aaronson has been subject to a Provisional Suspension since the date of the Notice Letter, i.e. since 3 July 2023 and as far as UKAD is aware, has respected the terms of that Provisional Suspension. Therefore, affording Mr Aaronson credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed served and he is eligible to participate in sport forthwith.

Summary

21. For the reasons given above, UKAD has issued this decision in accordance with ADR Article 7.12.2, and records that:
 - a) Mr Aaronson has committed an ADRV pursuant to ADR Article 2.1;
 - b) A period of Ineligibility of one (1) month is imposed pursuant to ADR Article 10.2.4(a); and
 - c) In accordance with ADR Article 10.13.2, affording Mr Aaronson credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed served and he is eligible to participate in sport forthwith.
22. Mr Aaronson, the RFL, International Rugby League and WADA have a right to appeal against the Decision or any part of it in accordance with ADR Article 13.4.
23. The Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

17 October 2023