

Prosecution Submission: **Ruben Groenewald Case: 1 June 2010**

In terms of Article 2.1 the athlete, Ruben Groenewald, is charged with an anti-doping rule violation.

Mr Groenewald tested positive on 22 January 2010 after a professional boxing bout, for the banned substance, salbutamol.

Salbutamol is a Beta-2 agonist and is listed as a specified substance on the 2010 List of Prohibited of Substances and Methods in Sport. The concentration of salbutamol in Mr Groenewald's sample exceeded the threshold concentration allowable for therapeutic use, by 3 times. The SA Doping Control Laboratory was therefore obliged to inform SAIDS of the adverse analytical finding.

Within the confines of the 2009 SA Anti-doping rules, SAIDS authorised a further investigation and review of the test results to ascertain the cause of such a high reported salbutamol concentration in the athlete's sample. As per World Anti Doping Agency's guidelines, on evaluating the therapeutic efficacy of beta-2 agonist, a pharmacokinetic study was authorised to closely mimic the boxing bout.

A specified protocol for a pharmacokinetic study had not yet been established by WADA at the time of the test. Dr Demitri Constantinou, who also chairs the SAIDS TUE committee, developed a protocol that could best report and perhaps explain the high concentration of salbutamol in Mr Groenewald's original sample. The procedure of the test is outlined in the document pack. The medical conclusion of the pharmacokinetic study was inconclusive and inferences were drawn about incorrect use and therapeutic application of salbutamol to treat exercise induced asthma.

*According to Article 3.1 of the SAIDS anti-doping rules, "SAIDS has the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether SAIDS has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation that is made. The standard of proof in all cases is greater than a mere balance of the probability but less than proof beyond a reasonable doubt."*

SAIDS as the prosecution in this case acknowledges that an anti-doping rule violation occurred and reported the violation to the athlete and sports entity as set out in the SAIDS procedures. However on review of the case, SAIDS is unable to prove beyond a mere balance of probability that the athlete knowingly took the banned substance to enhance his performance or took the banned substance with hope of not being tested.

SAIDS therefore requests the tribunal members to evaluate the case with respect to Article 10.4 of the SA Anti-doping Rules. We will be content with a ruling of a stern warning and proviso that the athlete consult with his personal physician about the correct method of using a metered dose inhaler to treat his exercise induced asthma and for the athlete to be more conversant with substances that are banned in sport and which of these substances require him to apply for a therapeutic use exemption and which ones require a declaration of use on the doping control form.

The request is made in light of the fact that the boxer has been under provisional suspension since 22 January 2010 (4 months served).

**Presented by:**  
**Khalid Galant**  
**CEO: SA Institute for Drug-Free Sport**  
**1 June 2010**  
**Olympic House: Melrose**