

SAIDS

In the matter of Johan Pieterse

Committee	J Lubbe SC (Chair) Dr G van Dugteren (Medical Representative) Mr. Yusuf Abrahams (Sport Administrator Representative)
Player	Johan Pieterse
Legal representative	Mr. S Hefferman from Hartman Attorneys
Date of hearing	6 March 2012
Place of hearing	Teleconference

- [1] Pieterse has been charged with an anti-doping rule violation in terms of Article 2.1 of the 2009 Anti-Doping Rules of the SA Institute for Drug-Free Sport (SAIDS).
- [2] In terms of an analytical report received from the SA Doping Control Laboratory dated 13 February 2012, Pieterse tested positive for methylhexaneamine which is categorized under Class S6, in specific 6b, under Specified Stimulants on the World Anti-Doping Code 2012 Prohibited List International Standard.
- [3] Mr. Hefferman on behalf of Pieterse advised the Committee that the only issue to be dealt with is that of sanction and that Pieterse pleaded guilty and admitted the chain of evidence facts. He further advised that Pieterse and his father will be called to testify on the issue of sanction.
- [4] Pieterse testified that he is 22 years old and plays for the TUT Vikings team in the national Varsity Cup Competition. He is the captain of the team, plays hooker and has been playing for this team for the past three years. He is an amateur player and only receives a match fee of R500 per match. He heard of a supplement Jack 3d from his team mates and decided to purchase the supplement with the hope that it will enhance his energy levels. He purchased the supplement at a Dischem pharmacy and was advised by the salesperson on the floor that the supplement is safe and contains no illegal substances. Notwithstanding this assurance he performed an internet search for 1,3 dimethylamylamine HCl (DMAA) on the WADA and SAIDS websites and the results did not cause any alarm as in fact the searches showed no results.

- [5] His father also testified. He is an amateur rugby coach and assisted his son with the search. Because of the assurance of the salesperson at Dischem and the results of the search they concluded that it was safe to use the supplement. They could not explain why they did not seek advice for free from a pharmacist.
- [6] Mr. Hefferman submitted that his client took reasonable and necessary precautions and that in the circumstances a reprimand would suffice. Mr. Kock for SAIDS submitted that Pieterse should be suspended for six months.
- [7] In terms of Section 10.4 of SAIDS Rules of 2009, the period of ineligibility can be reduced if the athlete can establish how a specified substance entered his or her body and that such specified substance was not intended to enhance the performance of the athlete or mask the use of a performance-enhancing substance. For a first violation the sanction at a minimum is a reprimand and at a maximum two (2) years' ineligibility. Section 10.5 is in our view not applicable as we are of the view that the player was negligent in not taking proper precautions like asking the advice of a pharmacist.
- [8] We are satisfied that the athlete has established how the substance entered his body and his evidence is corroborated by the credible evidence of his father. Notwithstanding Pieterse's evidence that he thought the taking of the supplement would increase his energy levels, we are satisfied on a balance of probability that he had no real intention to take a performance-enhancing substance. It was clear to the Committee that his youth and inexperience played a role in his decision to buy the supplement and the procedure followed by Pieterse and his father to try and establish whether the supplement is safe for use can only be described as naïve. However Pieterse and his father did make the effort to search the websites of WADA and SAIDS which greatly reduces the degree of fault on their side. What is disturbing to the Committee is that the WADA and SAIDS websites do not currently feature prominent warnings to athletes about the very real risks of using supplements. We can only trust that these institutions will seriously consider updating their websites. In this regard we note that the Canadian Centre for Ethics in Sport has issued a warning on 1 March 2012 to all athletes and support personnel of the danger of banned substances in supplements and a decision by New Zealand to ban the use of methylexaneamine in sport supplements.
- [9] In view of the facts stated above and after careful consideration the unanimous view of the Committee is that a period of Ineligibility of four (months) would be an appropriate sanction.

[10] **Conclusion:**

10.1 an anti-doping rule violation has been established;

10.2 Pieterse is suspended for a period of four (4) months from all sport calculated from 21 February to and including 20 June 2012.

J Lubbe SC For and on behalf of the Committee.