

**RUGBY FOOTBALL UNION DISCIPLINARY  
PROCEEDINGS CONCERNING REGULATION 20 OF THE RUGBY  
FOOTBALL UNION  
AND REGULATION 21 OF THE INTERNATIONAL RUGBY BOARD**

**B E T W E E N:**

**THE RUGBY FOOTBALL UNION**

**The Regulator**

**- and -**

**LUKE CRUNDEN**

**The Player**

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**DECISION OF THE  
INDEPENDENT PANEL**

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*Introduction and factual circumstances*

1. This is the decision of the Independent Panel appointed under Regulation 20.11.4 to deal with a charge against Luke Crunden (“the Player”). This case has been resolved without a hearing in person, by consent of the Player. The Player is registered at Cinderford RFC.
2. Mr Crunden was selected for an individual doping control test conducted at training on the 28th October 2014.
3. The RFU was notified by the laboratory of an adverse analytical finding which highlighted the presence of 19-norandrosterone (a metabolite of Nandrolone) and Clomiphine, both prohibited non-specified substances, in Mr Crunden’s “A Sample”
4. The RFU informed Mr Crunden that in accordance with RFU Regulation 20.11.2 and 20.11.3, UK Anti-Doping (“UKAD”) had determined that there was a case to answer and that Karena Vleck, Legal and Governance Director of the RFU had decided to charge him under IRB Regulation 21.2.1 which states:

*“It is each Player’s personal duty to ensure that no Prohibited Substance enters his body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the Player’s part be demonstrated in order to establish an anti-doping rule violation under Regulation 21.2.1.”*

5. Mr Crunden was provisionally suspended on the 14th November 2014 until the final determination of the case. He was requested to formally respond to the RFU either admitting the

charge (and outlining the circumstances of how the offence came to be committed), or otherwise contesting the charge against him.

6. On the 27th November 2014 Mr Crunden responded to the RFU's request by email. He admitted to the charge and detailed how he believed the substances entered his system:

*"After playing my final season of Colts rugby for Cinderford, I moved on to play for the united. Not long after the season starting (Nov 2013) I sustained a serious injury to my shoulder, which put me out of rugby as it needed to be operated on. My operation was scheduled for the 23rd May 2014. After undergoing the surgery I knew I would not be able to do any physical activity for a number of months until I was instructed to do so.*

*In August, the consultant explained to me I could do light weight bearing exercises to try and strengthen the shoulder muscles as well as other muscles. When I was getting back into gym training I had tunnel vision and focused all my efforts on getting stronger as I knew I wouldn't be back playing rugby, or training till after seeing the consultant for a final examination (Oct 16th 2014). This is where I looked to take a supplement to assist with my training. I purchased a supplement off a sports nutrition website which gave me the impression the product I was about to consume was legal and bore no risk to myself. I was led to believe this was a natural testosterone boosting supplement. A free supplement came alongside it to which it instructed me to take after to assist in keeping any improvements made, again I thought this was also natural ingredients.*

*My intention when taking the supplements was to strengthen my shoulder as I was in fear my shoulder would not recover fully and I would be unable to carry on playing in the future. I did not believe this supplement carried the risks it did. As I was out of rugby and competition for such a long time I did not have the caution I would have had if I was playing, a decision I deeply regret. I was only interested in helping my recovery and did not have the objective to gain an unfair advantage over other players. I took the supplement for a short period of time and once I gained strength and movement within my shoulder I stopped which was sometime before I was cleared to play."*

7. The RFU responded to Mr Crunden by email and requested confirmation on how he wished to proceed. Mr Crunden was notified that if he did not wish to contest any of the facts, the case could be determined by a panel based solely on written submissions. Mr Crunden was reminded that he did have the right to make representations in person and for his case to be determined by a panel at a full Disciplinary Tribunal.
8. By email letter dated the 5th December 2014 Mr Crunden provided further explanation as to how he believed the substances in question entered his body:

*"The supplements I took were called Androtest and what I believe was Reversitol V2. After further research trying to find what the supplements were I now get the impression I was taking 'prohormones'. I understand these products have a high risk of containing banned substances and should be taken at the own individuals risk. I regret not doing my research at the time of purchase as all of this would have clearly been prevented. Whilst taking contamination into account, I have taken creatine, protein and pre workout powder, so I could not possibly give a definitive answer on which supplement contained the banned substances.*

*I do not wish to appeal and I admit to consuming these substances and I waive my right to attending a disciplinary.*

*I would be grateful if could possibly take into consideration that I did not intend to take these supplements to gain any advantage or enhance my performance in rugby. They were purely consumed with the intention of speeding the recovery for the physical demands about to be placed on my shoulder in the forthcoming season after my operation”.*

### The Regulations

9. Regulation 20.1 sets out the RFU Position on Doping as follows:

***“The RFU condemns doping. It is harmful to the health of players, totally contrary to the spirit of rugby and the RFU is committed to protecting all Players’ fundamental right to participate in doping free rugby.”***

10. IRB Regulation 21.22.1 provides that the consequences of using a Prohibited Substance contrary to 21.2.2 shall be the imposition of a period of ineligibility of two years unless the conditions for eliminating or reducing it as provided in IRB Regulation 21.22.4 (No Fault or Negligence) or 21.22.5 (No Significant Fault or Negligence) are met or there are aggravating circumstances under Regulation 21.22.9 warranting an increase in the period. That period is to be, for a First Violation, a minimum of two years Ineligibility unless the conditions for reducing or eliminating the period apply.
11. Those conditions are set out below:

#### Regulation 21.22.4

##### ***No fault or negligence***

*“If a Player or other Person establishes in an individual case that he bears No Fault or Negligence, the otherwise-applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Player’s Sample in violation of Regulation 21.2.1 (presence of a Prohibited Substance or its Markers or Metabolites), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated...”*

#### Regulation 21.22.5

##### ***No Significant Fault or Negligence***

*If a Player or other Person establishes in an individual case that he bears No Significant Fault or Negligence, the otherwise-applicable period of Ineligibility shall be reduced, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. When a Prohibited Substance or its Markers or Metabolites is detected in a Player’s Sample in violation of Regulation 21.2.1 (presence of Prohibited Substance or its Markers or Metabolites), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.”*

*Our Decision*

12. Although it is not expressly contended for in the Player's letter that he bears no Fault or Negligence, or no Significant Fault or Negligence, we have expressly considered the matter as it is necessary to do so under the Regulations.
13. Neither of the exceptions "no Fault or Negligence", or "no Significant Fault or Negligence", could in our view be said to apply to these circumstances or to this Player. Similarly there was no evidence, nor was it suggested, that a "Therapeutic Use Exemption" might apply for the relevant prohibited substance.
14. The Player made an early admission and has provided a letter admitting the offence. This is his First Violation. Accordingly, the period of Ineligibility identified in IRB Regulation 21.22.1 applies.
15. We impose a period of Ineligibility upon the Player of two years, that period commencing upon the date of his provisional suspension, namely the 14th November 2014.

22nd January 2015

Daniel White, Chairman  
Tom Rees  
Gary O'Driscoll