SPORT RESOLUTIONS (UK)

NATIONAL ANTI-DOPING PANEL

SR/NADP/937/2017

IN THE MATTER OF PRECEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF THE RUGBY FOOTBALL UNION

BEFORE:

Mark Hovell (Chairman)
Blondel Thompson
Lorraine Johnson

BETWEEN:

RUGBY FOOTBALL UNION (RFU) ***Applicant***

and

BRANDON STAPLES ***Respondent***

DECISION OF THE ANTI-DOPING TRIBUNAL

I. Introduction

1 The Applicant (the "RFU") is the National Governing Body for the sport of rugby union in England and has jurisdiction to prosecute this case. World Rugby is the International Governing Body for the sport of rugby union and the RFU is affiliated to World Rugby.

2 World Rugby has adopted the *World Anti-Doping Code 2015* (the "Code") and implemented Code compliant Anti-Doping Regulations, known as *World Rugby Regulation 21* (the "WRR").

3 The RFU has adopted the WWR (including the appendices and schedules) in its entirety as its own Anti-Doping Regulations (the "ADR").

4 The Respondent, Mr Brandon Staples (the "Player/Respondent") is a 20 year old rugby player, registered to Yorkshire Carnegie RFC (the "Club") who participate in the RFU Championship under the auspices of the RFU. The Player was at all times subject to the ADR.

5 Pursuant to the ADR, a urine sample was provided by the Player after a training session on 9 August 2017. This sample returned an Adverse Analytical Finding ("AAF") for:

- Dehydrochloromethyl-testosterone and its metabolite 6β-hydroxy-dehydrochloromethyl-testosterone;
- 6β-hydroxy metandieone 17 epi-metandieone (metabolites of Metandienone); and
- Stanozolol-N-glucuronide (metabolite of Stanozolol)

All of which are Prohibited Substances as defined by the World Anti-Doping Prohibited List 2017. WRR 21.4.2.2 provides that *"…all Prohibited Substances shall be Specified Substances except substances in the classes of anabolic agents…"* The Prohibited Substances listed above are anabolic agents, and thus are not Specified Substances.

6 The Presence of these Prohibited Substances in the Player's urine sample constitutes a violation of the ADR. By letter dated 7 September 2017, the RFU charged the Player with the following offence of the WRR:-

> "*21.2.1 Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample*
>
> *21.2.1.1 It is each Player's personal duty to ensure that no Prohibited Substance enters his or her 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 (Presence).*"

7 The Player has been provisionally suspended since this date. The RFU understand this to be the Player's first Anti-Doping Rule Violation ("ADRV").

8 The Player responded to the Charge on 21 September 2017, acknowledging the AAF, but wishing to contest the period of Ineligibility. The Player waived his right to have the B Sample tested.

9 Recognising the rights of players to have a doping allegation determined by an independent and suitably qualified body, pursuant to Article 21.7.12.2 of the WRR, the RFU, pursuant to Article 21.7.13 of the WRR and Article 20.13.4 of the ADR, elected to refer the case at hand to the National Anti-Doping Panel (the "NADP") for resolution, on 21 September 2017.

10 On 27 September 2017, Mr Mark Hovell was appointed as the Chairman of the Tribunal to deal with the matter at hand.

11 Following directions issued by the Chairman on 3 October 2017, the parties request to expedite the process were respected and the matter was heard on 9 November 2017, in Leeds. The RFU was represented by Mr James Segan, of Counsel, and Messrs Stuart Tennant, David Barnes and Stephen Watkins of the RFU. The Player was represented by Mr Max Baines, of Counsel and his solicitor, Ms Claire Parry. Mr James Laing (from UKAD) and Mr Matt Berry (secretariat to the NADP) were in attendance and Mr Peter Winterbottom MBE appeared as a witness

on behalf of the Player. The Tribunal note that the representatives of the Player did so on a *pro bono* basis and are thanked for this.

II. Jurisdiction

12 The RFU is the National Governing Body for rugby union in England. Article 20.6 of the ADR sets out the RFU's "Authority to Regulate" and enables the RFU to act as the Results Management Authority with responsibility to prosecute doping case.

13 The RFU organises a number of competitions, including the RFU Championship. Individuals can only compete in such competitions if they are a registered member of a club affiliated to the RFU. The Player competed for and trained with the Club, who were affiliated to the RFU and the Player was registered with the Club under RFU ID number 01687294.

14 Article 20.7.1 of the ADR provides that *"All Players under the jurisdiction of the RFU may be subject to In Competition…Doping Control by the RFU at any time, at any location and with No Advance Notice."* Further, pursuant to Article 20.13.4 of the ADR, any Charge against a player by the RFU shall be determined by the NADP.

15 Accordingly, and it is not denied by him, by virtue of the above, the Player was bound by the ADR.

16 For all of the above reasons, it follows that the Tribunal therefore has jurisdiction to determine this matter.

III. Background

17 On 9 August 2017, the Player took part in training with the Club. He was recovering from injury, so did not participate in team training, but was there for treatment and for some gym work.

18 Following the training, a Doping Control Officer (the "DCO") notified the Player that he had been selected to provide an Out of Competition test and the Player provided a urine sample accordingly. Assisted by the DCO, the Player split the sample into two separate bottles which were given reference numbers A1139808

(the "A Sample") and B1139808 (the "B Sample") (together "the Samples"). The DCO and the Player completed and signed the Doping Control Form (the "DCF").

19 Following analysis at the Drug Control Centre, Kings College London which is a WADA accredited laboratory in London (the "Laboratory"), the A Sample returned the AAF detailed above.

20 UKAD conducted a review which confirmed that there had not been a departure from the applicable International Standards that could reasonably have caused the AAF. UKAD also confirmed that the Player did not have a Therapeutic Use Exemption ("TUE") to justify the presence of any of the Prohibited Substances in his Sample.

IV. The RFU's Submissions

21 The RFU noted that the provisions on sanction are set out in WRR 21.10. WRR 21.10.2 sets out the position regarding the relevant period of Ineligibility in cases involving a violation of WRR 21.2.1. WRR 21.10.2.1 provides:

> *"The period of Ineligibility shall be four years where: "The anti-doping rule violation does not involve a Specified Substance, unless the Player or other Person can establish that the anti-doping rule violation was not intentional."*

22 Given that the Prohibited Substances are not Specified Substances, the starting point for the period of Ineligibility in this case is four years. The RFU submitted that WRR 21.10.7.4 (in relation to multiple violations) does not apply in this case and the Tribunal should treat this case as one single first violation. The period of Ineligibility can only be reduced to two years (WRR 21.10.2.2) if the Player can establish that the violation was not intentional.

23 The position in *Buttifant*[1] was reaffirmed in the more recent case of *Panjavi*[2] which stated that "*the burden of proof lies on the Athlete to show that her conduct was not "intentional". It is only if the Athlete can satisfy that burden can the Tribunal reduce the period of ineligibility below four years*" (paragraph 33).

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[1] UK Anti-Doping v Adam Buttifant - (SR/NADP/409/2015, 14 December 2015)

[2] UK Anti-Doping v Shila Panjavi – (SR/NADP/676/2016, 2 March 2016

24 The NADP in *McCormack*[3] has held that in order to discharge this burden, it is necessary, in all but *"wholly exceptional"* cases, for a player to establish how the Prohibited Substance entered his system. The same conclusion has been reached by the Court of Arbitration for Sport ("CAS") in CAS 2016/A/4377 *WADA v IWF.* The RFU submitted that the relevant passage of that decision provides the following authoritative guidance on the task to be performed in the present case (emphasis added):

> *"51. The Athlete bears the burden of establishing that the violation was not intentional within the above meaning, and* ***it naturally follows that the athlete must also establish how the substance entered her body****. The Athlete is required to prove her allegations on the "balance of probability". This standard, long established in the CAS jurisprudence, requires the Athlete to convince the Panel that the occurrence of the circumstances on which the Athlete relies is more probable than their non-occurrence. Eg., CAS 2008/A/1515, at para. 116.*
>
> *52. To establish the origin of the prohibited substance, CAS and other cases make clear that* ***it is not sufficient for an athlete merely to protest their innocence and suggest that the substance must have entered his or her body inadvertently from some supplement,*** *medicine or other product* ***which the athlete was taking at the relevant time.*** *Rather,* ***an athlete must adduce concrete evidence to demonstrate that a particular supplement****, medicine or other product which the athlete was taking at the relevant time, medication or other product that the athlete took* ***contained the Prohibited Substance in question****.*
>
> *53. For example, in CAS 2010/A/2230, the Sole Arbitrator expressed the athlete's burden as follows:*
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> *"To permit an athlete to establish how a substance came to be present in his body by little more than a denial that he took it would undermine the objectives of the Code and Rules. Spiking and contamination – two prevalent explanations volunteered by athletes for such presence – do and can occur; but it is too easy to assert either; more must sensibly be required by way of proof, given the nature for the athlete's basic personal duty to ensure that no prohibited substances enter his body."*

[3] UKAD v McCormack - (SR/NADP/883/2017, 28 September 2017)

54. Similarly, in CAS 99/A/234 & 235, the Panel stated that, "The raising of an unverified hypothesis is not the same as clearly establishing the facts".

55. In the Final Decision of the IBAF Doping Hearing Panel in the case of Pedro Lopez (IBAF 09-003), the panel made the following comment:
"In this case, the Athlete's suggestion that one or more of the medications or supplements that he took must have contained Boldenone is nothing more than speculation, unsupported by any evidence of any kind. ***He has not shown that Boldenone was an ingredient of any of those substances, nor has he provided any evidence (for example) that the supplements he took were contaminated with Boldenone. Such bare speculation is not nearly sufficient to meet the Athlete's burden*** *under Article 10.5 of establishing how the prohibited substance got into his system."*

56. In CAS 2006/A/1067, the Panel held as follows:
"The Respondent has a stringent requirement to offer persuasive evidence of how such contamination occurred*. Unfortunately, apart from his own words, the Respondent did not supply any actual evidence of the specific circumstances in which the unintentional ingestion of cocaine occurred."*

25 The RFU noted that in present case the evidence provided by the Player does not come close to meeting the *"stringent requirement"* identified in the *Buttifant*, *McCormack* and *WADA v IWF* cases.

26 Counsel for the RFU suggested that the Player needs "concrete" evidence to prove the following:

26.1 That he purchased and consumed the shake and there was no significant risk of it leading to an ADRV;

26.2 That this shake did indeed contain 3 different steroids; and

26.3 That the consumption of the contaminated shake could have led to the positive test, some 7 weeks after he last took the shake.

27 The Player's case is that the ADRV on 9 August 2017 was caused by his ingestion, over a three-week period whilst in South Africa between 26 May and 21 June 2017, of a whey protein shake (the "Shake") known as "Muscletech Nitro Tech".

The Player was *"not training at all"* during this time in South Africa *"because it was the off season"* The Player had also in any event been injured since February 2017, with a back injury which prevented him from participating in training on 9 August 2017 when the urine sample was taken. The Player said that he bought the Shake with cash in South Africa, from a shop called "Xtreme Nutrition", he did not keep the receipt and he did not keep the tub after ingesting it. The Player said that he did check the "Informed Sport" website before and/or after buying the Shake, but could not find it on there, therefore instead relied upon a statement on the Muscletech website that it came with a *"drug free guarantee"*, which he believed. The Player further said he did not take the Shake whilst in the UK because it is *"not widely available"* in shops here; and, as the last ingestion was some 7 weeks earlier, he did not record it on the Doping Control Form when tested, as the form asked him to list supplements he was "currently" taking.

28 The RFU submitted that the Player has not provided: (a) any independent evidence of his purchase and consumption of the Shake – including no evidence from his girlfriend; (b) any independent evidence of his researches concerning the Shake – nothing from the website history from the computer he used; (c) any evidence (still less *"concrete evidence"*, to use the phrase in *WADA v IWF*) that the Shake in fact contained, or was contaminated with, any of the Prohibited Substances which were the subject of his ADRV – he merely insinuated that as the shop he bought the Shake from was not an authorised retailer, it must be contaminated (and the evidence put forward by Ms Parry of her conversations with Ron Read, the authorised retailer, should be given little weight, as he was not examined, he was clearly reluctant to give evidence and it was all hearsay); or (d) any evidence that it is scientifically plausible that his consumption of a small tub of the Shake over a three-week period ending at the latest by 21 June 2017, i.e. some seven weeks before the ADRV on 9 August 2017, could have resulted in the positive test, whether in the concentrations found by Kings College London or at all.

29 The RFU concluded that the Player's evidence plainly does not meet the standard identified in the *WADA v IWF* case. The Player has not discharged his burden and the 4-year period of Ineligibility applies.

V. The Respondent's Submissions

30 The Player submitted that he had no intention to cheat**.** Intention is defined in WRR 21.10.2.3 as follows:

> *"As used in Regulations 21.10.2 and 21.10.3, the term "intentional" is meant to identify those Players who cheat. The term therefore requires that the Player 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 disregarding that risk."*

31 The burden to establish whether or not he or she acted intentionally falls on the player according to WRR 21.3.1. The standard of proof to be applied is the balance of probabilities.

32 In the case of *Buttifant*[4]*,* the Appeal Tribunal summarised the law in relation to intention as follows:

> *"28. In summary, in a case to which article 10.2.1.1 applies the burden is on the athlete to prove that the conduct which resulted in a violation was not intentional. Without evidence about the means of ingestion the tribunal has no evidence on which to judge whether the conduct of the athlete which resulted in the violation was intentional or not intentional. There is no express requirement for an athlete to prove the means of ingestion but there is an evidential burden to explain how the violation occurred. If the athlete puts forward a credible explanation then the tribunal will focus on that conduct and determine on the balance of probabilities whether the athlete has proved the cause of the violation and that he did not act intentionally."*

33 It is clear that an athlete is under an obligation to put forward an explanation for how the AAF occurred, however, nowhere in the ADR, the WRR or in the cases referred to by the RFU, is there a requirement for "independent" evidence.

34 The Player denied that he ever knowingly or intentionally ingested any Prohibited Substances to improve his performance. His explanation for the AAF is that it was caused by a product called "Nitro-Tech Whey Isolate Lean Musclebuilder" ('Nitro-Tech'). This product is produced by an American company called Muscletech. He

[4] UKAD v Buttifant (Appeal) – (SR/NADP/508/2016, 07 March 2016)

explained that he purchased Nitro-Tech in milk chocolate flavour whilst he was on holiday in South Africa. This was to ensure he was getting enough protein. The Shake was bought from Xtreme Nutrition, a shop in Durban he had been to before. He bought it when he was in the area, taking his girlfriend out for lunch. He did complete checks on the product before he bought and consumed it. Although he could not find the product on "Informed Sport"; he believed that not every supplement that is safe to take appears on that website. He then went onto the Muscletech website itself to view the product. On the website he could see that the product had been '*tested for quality and for purity*' and that it had a guarantee stating '*guaranteed banned substance free*'. He completed some further investigation into the website and saw that Muscletech sponsor several athletes. The website confirmed that one of those athletes is Vernon Davis, a professional American Football player. The Player stated that as he was aware that these athletes are also tested, that he thought the product would be safe to take.

35 The Player further explained that he consumed this product whilst he was staying in South Africa from 26 May to 21 June 2017 and he finished the tub he purchased and so does not have any product available for testing. The Player's position is that he did perform checks on the product, what he did not do was perform checks on the retailer of that product.

36 He explained that when he completed his checks on the product he just viewed the product page. He has since completed a far more thorough search of the Muscletech website and has seen that Xtreme Nutrition is an unapproved seller of Muscletech products. The Muscletech website states: "*Consequently, purchasing products from unauthorized sellers at prices that are "too good to be true" may result in the consumption of counterfeit products which contain poor ingredients, are of a lower quality, and are likely untested products that could potentially be harmful to you.*"

37 As Xtreme Nutrition was not an approved seller and given the warnings outlined above, it is clear that the '*banned substance guarantee*' attached to all Muscletech products do not apply to goods purchased from unapproved sellers. At the hearing, Ms Parry advanced her own witness statement on behalf of the Player. This contained details and copies of her notes of her conversations with Ron Read, the

authorised retailer of Muscletech products in South Africa. He informed her that Xtreme Nutrition had a long history of grey importing, according to what he heard in the trade. The Player therefore sought to convince the Tribunal that the shake must have been contaminated with the Prohibited Substances.

38 The Player also adduced evidence from three character witnesses to support his credibility. All three witnesses had knowledge of Mr Staples' character both on and off-field. One of them, Mr Winterbottom, attended the hearing and gave his evidence orally.

39 The Player concluded that he is able to demonstrate, on the balance of probabilities, how the Prohibited Substances came to be present in his sample. Further, he submitted that based on his explanation, he has been able to demonstrate that he did not intend to cheat. For this reason, a period of Ineligibility of two years should be applied.

40 Finally, the Player initially referred to WRR 21.10.6.3 regarding a potential reduction in sanction due to his prompt admission of the ADRV. However, this submission was withdrawn at the hearing, when it became clear that neither the RFU nor WADA had exercised the necessary discretion in his favour.

VI. Issues for the Tribunal

41 The Tribunal notes that the sole issue it must address is whether the Player satisfied his burden of proof to establish that the ADRV was not intentional.

42 Ultimately the sole issue before the Tribunal was whether the Player was able to meet his burden to convince us that he had not intentionally committed the ADRV. He must do this on the balance of probabilities, so his submissions and evidence must leave the Tribunal believing that his explanation is more likely than not.

43 The principle difference between Counsel for the Player and Counsel for the RFU was whether the word of the Player alone is enough to satisfy the burden of proof, or whether there must be independent evidence to support the Player's version of events. Counsel for the Player acknowledged that concrete evidence needed to be

brought, but there was no reference to or requirement for “independent” evidence. In any event, there was additional evidence (that from Ms Parry and the searches of the Muscletech website) and he had advanced the testimony of 3 independent witnesses who all spoke to the Player’s good character and his honesty. He invited the Tribunal to find that he had provided a credible account, that had withstood examination. On the other hand, Counsel for the RFU urged the Tribunal to place little or no weight on Ms Parry’s evidence and to find that the Player’s version of the events was not sufficient on its own.

44 The Tribunal has studied the cases cited by the parties in some detail and understands how difficult it is for athletes to satisfy their burden here if they cannot demonstrate how the Prohibited Substances came to be in their body. The cases cited by the RFU do leave only the most exceptional cases where this is not required.

45 In the case at hand, the Player has stated that the Prohibited Substances must have been in the Shake that he purchased from Xtreme Nutrition in May 2017. He took that entire tub right up until 21 June 2017, when he returned to England. He was tested some 7 weeks later and tested positive for 3 steroids in his Sample. As the retailer was unauthorised by the manufacturer, it is implied that the Nitro-Tech must have contained those Prohibited Substances.

46 When a tribunal assesses these types of issues it must weigh up all the evidence (which includes the testimony of the athlete and those that are willing to put their own reputation before a tribunal and state that they believe the athlete to be honest) before it. However, if there was additional evidence that would assist a tribunal in making its determination, which was readily available, but not advanced, it does affect the credibility of the athlete and his version of the events.

47 In the case at hand, the Tribunal notes that in addition to hearing from the Player and the 3 character witnesses, there was Ms Parry’s witness statement and some screenshots of the Muscletech website. However, the Tribunal noted that there was other evidence which could (and in the Tribunal’s view, should) have been advanced:

47.1 It was clear that the Player's girlfriend was with him when he purchased the Nitro-Tech in South Africa. The Tribunal can accept that an athlete may buy supplements in cash and that most people may throw away receipts, but here was someone who could provide evidence that the Player actually bought the Nitro-Tech when, where and how he says he did, yet there was no evidence from her. The Tribunal noted his Counsel's submissions that if he had produced evidence from her, then the Tribunal would have placed little weight on her evidence (rather feeling that "she would say that, wouldn't she"). The reality is that the Tribunal would determine what weight to place on her evidence after hearing it. Even a little weight is better than no weight, or worse, being left wondering why she was not called. It further became evident during the hearing that she wasn't living in South Africa, rather she was studying in Leeds, where the hearing took place.

47.2 On the Player's account of the events, he had been taking Nitro-Tech since he was 14, whilst living in South Africa and then each time he went home over on his holidays. He would presumably not be hiding the consumption from his family or girlfriend. However, there was no supporting evidence from anyone to say that they'd actually seen him ingest the Nitro-Tech over the period in question.

47.3 The Player claimed that he checked on Muscletech's website and the "Informed Sport" websites before he drove out and bought the Nitro-Tech. At the hearing the Player claimed he did not know how to check (and submit copies of) the browsing history on the computer he used, which seems a little hard to believe in the Tribunal's opinion;

47.4 Supplements can be contaminated. The Player's parents still live near to Xtreme Nutrition where the Player says he bought the Nitro-Tech from. They could have gone to the shop to see if they could have bought another tub of the Nitro-Tech, which could have been tested. The Tribunal recognises that there are of course cost implications to testing, but at the very least it would have shown it was possible to buy Nitro-Tech from Xtreme Nutrition.

47.5 However, perhaps the biggest issue for the Tribunal was the concentrations of the 3 Prohibited Substances that were found in the Player's Sample. The

Player's position is that he last took Nitro-Tech ion 21 June 2017, just as he returned to England. He was then tested on 9 August 2017, some 7 weeks later. The RFU provided the Player with the concentration levels from The Drug Control Centre, King's College, London, as follows:

Prohibited Substance	Estimated Concentration
dehydrochlormethyltestosterone	500 ng/mL
6β-hdroxydehydrochloromethyl-testosterone	1500 ng/mL
6β-hydroxy metandieone	10 ng/mL
17 epi-metandieone	5ng/mL
Stanozolol-N-glucuronide	Estimate not available

47.6 However, neither party then attempted to provide the Tribunal with any evidence to show whether it would be possible to have ingested those particular Prohibited Substances 7 weeks earlier and to still have these concentrations in his system when tested. The RFU does not have to advance a positive case; it is for the Player to satisfy his burden. The Tribunal was at a loss as to why he did not provide an expert's opinion as to whether this was indeed possible. The Player's Counsel did refer to the issue of costs. However, there was no evidence that the Player asked the RFU or UKAD to undertake this exercise and they refused. The Player could have asked the Tribunal to direct the RFU to "translate" these concentration readings and to produce evidence from an accredited laboratory or specialist as to whether it was possible that taking the Prohibited Substances (especially when not taken directly, but apparently as a contaminate within a supplement) 7 weeks ago, could have resulted in these concentrations being present on the day of the test.

48 As such, the Tribunal can leave the debate between the parties as to whether independent evidence is required or not for an athlete to satisfy this burden as moot. There may be cases where simply no independent evidence exists. However, in the case at hand, the Tribunal felt that the Player could have brought independent evidence to its attention and needed to do so to satisfy his burden, as ultimately the Tribunal was not satisfied, on the balance of probabilities that he had not intentionally committed the ADRV. The Tribunal could not be sure that he ingested Nitro-Tech in South Africa – some evidence from his girlfriend or family may have tipped the balance; but there was simply no evidence to demonstrate that it was the source of the positive test. There was no evidence that the Nitro-Tech was contaminated. Xtreme Nutrition was not the authorised retailer and whilst the actual authorised retailer passed on some "word on the street" about Xtreme Nutrition, that was only hearsay. The actual retailer also confirmed that it had supplied Xtreme Nutrition with its own products before. The Tribunal placed little weight on that retailer's statements that were advanced by Ms. Parry. Finally, the Tribunal noted the lack of any evidence to show that taking a supplement 7 weeks before a test could plausibly result in the concentrations of Prohibited Substances as it did.

49 As such, in accordance with the ADR, the Tribunal must issue the standard sanction on the Player.

VII. The Decision

50 For the reasons set out above, the Tribunal makes the following decision:

50.1 An ADRV contrary to Article 21.10.2 of the WRR has been established;

50.2 As Mr Staples failed to satisfy his burden to establish that the ADRV was unintentional pursuant to Article 21.10.2.1.1 of the WRR, the standard sanction of 4 years Ineligibility shall apply to Mr Staples;

50.3 In accordance with Article 21.10.11.3.1 of the WRR, Mr Staples is entitled to credit for the period of Provisional Suspension, and so the period of Ineligibility shall be deemed to have commenced on 7 September 2017 and shall therefore end at midnight on 6 September 2021;

50.4 As such, pursuant to Article 21.10.12.1 of the WRR, Mr Staples shall not be permitted to participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programmes) authorised or organised by World Rugby or any Member Union, Association or a Club, Rugby Body or other member organisation of World Rugby or any Association or Member Union, or in Competitions authorised or organised by any professional league or any international or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency;

50.5 Pursuant to Article 21.10.8 of the WRR, any result obtained Mr Staples in any competitions taking place between the date of Sample Collection and commencement of his Provisional Suspension shall be Disqualified with all resulting Consequences, including forfeiture of any medal, title, points and prizes; and

50.6 In accordance with Article 20.14 of the ADR, Mr Staples has a right of appeal to the NADP Appeal Tribunal. In accordance with Article 12.5 of the Procedural Rules any party who wishes to appeal must lodge a Notice of Appeal with the NADP Secretariat within 21 days of receipt of this decision.

Mark Hovell, Chairman

On behalf of the Tribunal
30 November 2017

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