

## Issued Decision

# UK Anti-Doping and Ryan Snowden

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

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

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

#### Background and Facts

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1. The RFL is the national governing body for 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 Rules<sup>1</sup>, which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Snowden is a 22-year-old rugby league player. As a player participating in activities with a club registered with the RFL, at all relevant times Mr Snowden 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 13 December 2022, UKAD Doping Control Personnel collected a urine Sample from Mr Snowden Out-of-Competition at a Batley Bulldogs RLFC squad test.
4. Assisted by the Doping Control Officer in attendance, Mr Snowden split the urine Sample into two separate bottles which were given reference numbers A1184111 (the 'A Sample') and B1184111 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory, the Drug Control Centre, King's College, London (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the

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<sup>1</sup> Version 1.0, in effect as from 1 January 2021

procedures set out in WADA's International Standard for Laboratories and WADA Technical Letters TL-12 and TL-23. Analysis of the A Sample returned an Adverse Analytical Finding ('AAF') for the following Prohibited Substances:

- i. Ostarine (enobosarm);
- ii. Clenbuterol;

6. Ostarine (also known as 'enobosarm' or 'S-22') is listed under section S1.2 of the WADA 2022 Prohibited List as an Anabolic Agent. Ostarine is a non-Specified substance that is prohibited at all times.
7. Clenbuterol is listed under section S1.2 of the WADA 2022 Prohibited List as an Anabolic Agent. It is a non-Specified Substance that is prohibited at all times.
8. Mr Snowden does not have a Therapeutic Use Exemption ('TUE') for ostarine or clenbuterol.
9. On 10 February 2023, UKAD sent Mr Snowden a notification letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Snowden, in accordance with ADR Article 7.8, that he may have committed ADRVs pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
10. Between 10 February and 08 March 2023, Mr Snowden engaged with UKAD as he attempted to find legal representatives. On instruction of legal representatives, a response to the Notice Letter was provided on 16 March 2023. Mr Snowden admitted taking a supplement named "clenbuterol" which he said contained the Prohibited Substances. He said he had taken the supplement in an attempt to lose weight, and had consumed one tablet daily in the week before providing his Sample. At the time the Sample was taken, Mr Snowden said he was participating in strength and conditioning training at Batley Bulldogs and was not a registered player at the club.
11. On 22 March 2023, UKAD wrote to Mr Snowden's legal representatives requesting further details about the supplement he had ingested, and other matters. On 27 March 2023, further information was provided by Mr Snowden's legal representatives in relation to the supplement.
12. On 05 April 2023, UKAD proceeded to issue Mr Snowden with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of ADRVs pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or Article 2.2 (Use of a Prohibited Substance) (the 'Charges').

## Admission and Consequences

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13. On 25 April 2023, Mr Snowden responded to the Charge Letter. He reiterated his admission to taking a supplement that contained the Prohibited Substances.

14. 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.**

15. ADR Article 2.2 provides that the following is an ADRV:

**2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.**

16. ADR Article 10.2 provides as follows:

**10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method.**

*The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:*

*10.2.1 Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:*

*(a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.*

*(b) [...]*

*10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.*

17. In accordance with ADR Article 10.2.1(a), since this matter concerns non-Specified Substances, the period of Ineligibility to be imposed in relation to the ADRVs charged shall be four (4) years, unless Mr Snowden can establish on the balance of probabilities, that the ADRVs were not 'intentional' (within the meaning of ADR Article 10.2.3).

18. Within his responses to UKAD, Mr Snowden has accepted responsibility for the presence of the Prohibited Substances detected in his Sample and admits the ADRVs

with which he has been charged. Mr Snowden has not sought to establish that his ADRVs were not 'intentional' (within the meaning of ADR Article 10.2.3). Accordingly, Mr Snowden is not entitled to a two (2) year period of Ineligibility pursuant to ADR Article 10.2.2, or any reduction pursuant to ADR Article 10.5 (No Fault or Negligence) or ADR Article 10.6 (No Significant Fault or Negligence) thereafter.

19. For the purposes of imposing a sanction, the ADRVs will be considered together as a single first violation, pursuant to ADR Article 10.9.4 which states as follows:

*10.9.4 Additional rules for certain potential multiple offences:*

- (a) *For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations as applicable shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the most severe sanction...*

20. The applicable period of Ineligibility is therefore four (4) years.

### **Application of ADR Article 10.8.1**

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21. ADR Article 10.8.1 provides:

*10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:*

*Where UKAD sends an Athlete or other Person a Charge Letter for an Anti- Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.*

22. Mr Snowden admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 25 April 2023 (having been sent the Charge Letter on 5 April 2023). Accordingly, ADR Article 10.8.1 applies and Mr Snowden shall receive a one (1) year reduction to the period of Ineligibility of four (4) years. The period of Ineligibility to be imposed is therefore three (3) years.

### **Commencement of period of Ineligibility**

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23. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
24. However, ADR Article 10.13.2 allows for 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.
25. Mr Snowden has been subject to a Provisional Suspension since the date of the Notice Letter, i.e., since 10 February 2023 and as far as UKAD is aware he has respected the terms of that Provisional Suspension. Therefore, affording Mr Snowden credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 10 February 2023 and will end at midnight on 09 February 2026.

### **Status during Ineligibility**

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26. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Snowden shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
- a) The RFL;
  - b) Any Signatory;
  - c) Any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
  - d) Any professional league or any international or national-level Event organisation; or
  - e) Any elite or national-level sporting activity funded by a governmental agency.
27. Mr Snowden may return to train with a team or to use the facilities of a RFL club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 09 December 2025) pursuant to ADR Article 10.14.4(b).

## Summary

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28. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
- a) Mr Snowden has committed ADRVs pursuant to ADR Articles 2.1 and 2.2;
  - b) In accordance with ADR Article 10.9.4(a) the ADRVs are considered as one single ADRV for the purposes of imposing a sanction;
  - c) This constitutes Mr Snowden's first ADRV and in accordance with ADR Article 10.8.1, he is entitled to a one (1) year reduction to the asserted period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
  - d) Acknowledging Mr Snowden's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 10 February 2023 and will expire at midnight on 09 February 2026; and
  - e) Mr Snowden's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
29. Mr Snowden's, the RFL, International Rugby League, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
30. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

**07 July 2023**