

## Issued Decision

# UK Anti-Doping and Jack Little

### Disciplinary Proceedings under the Anti-Doping Rules of the Welsh Rugby Union

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the Welsh Rugby Union ('WRU'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Jack Little 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

1. The WRU is the national governing body for rugby union in Wales. UKAD is the National Anti-Doping Organisation ('NADO') in the United Kingdom. The WRU 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 Little is a 23-year-old rugby union player. As a player registered with the WRU, and a player participating in activities with a club registered with the WRU, at all relevant times Mr Little was subject to the jurisdiction of the WRU 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 WRU.
3. On 10 August 2023, UKAD collected a urine Sample from Mr Little Out-of-Competition at a Beddau RFC training session at Catellau Road, Pontypridd. Mr Little had only recently begun training with the Championship club, having previously played for a club at a level where he was classified by UKAD as a Recreational Athlete.
4. Assisted by the Doping Control Officer in attendance, Mr Little split the urine Sample into two separate bottles which were given reference numbers A1188470 (the 'A Sample') and B1188470 (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

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

'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the A Sample returned an Adverse Analytical Finding ('AAF') for higenamine.

6. Higenamine is listed under S3 of the 2023 WADA Prohibited List as a Beta-2 Agonist. It is a Specified Substance which is Prohibited at all times.
7. On 29 September 2023, UKAD sent Mr Little a notification letter (the 'Notice'). The Notice confirmed the imposition of a Provisional Suspension and formally notified Mr Little, 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). In the Notice, UKAD invited Mr Little to provide an explanation for the alleged ADRVs.
8. On 3 October and 5 October, Mr Little responded to the Notice and UKAD's request for further information. Mr Little admitted the ADRVs. In summary, Mr Little said that he had taken a supplement called "Shredabull Untamed 2.0" which he had purchased from a sports nutrition store in Cardiff. Mr Little added that he went to the store to purchase a supplement to assist with gym sessions as he attempted to recover from a shoulder injury. He said that a member of staff at the store recommended the supplement, and that he read the product label and noted that there were no "untoward substances".
9. Mr Little explained that higenamine was not listed on the bottle label as an ingredient; 'nandina domestic extract', another name for higenamine, was listed instead. He said that in taking the supplement, he did not intend to take a Prohibited Substance, and was not aware at the time he consumed the supplement that it contained higenamine.
10. On 31 October 2023, UKAD sent Mr Little a Charge Letter, which formally charged him with ADRVs pursuant to ADR Article 2.1 and ADR Article 2.2.
11. On 6 November 2023, Mr Little responded to the Charge Letter. He repeated his admissions to the ADRVs, but disputed the Consequences.
12. On 1 December 2023, the matter was referred to the National Anti-Doping Panel ('NADP'). On 19 December 2023, directions were agreed between the parties for the service of their respective cases.
13. However, on 10 January 2024, Mr Little confirmed that he admitted the ADRVs and acceded to the Consequences asserted by UKAD, including a period of Ineligibility of two (2) years. Consequently, the matter was remitted back to UKAD by the NADP so that the case could be resolved without a hearing in accordance with ADR Article 7.12.

## Consequences

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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) [...]*

*(b) The Anti-Doping Rule Violation involves a Specified Substance or a Specified Method and UKAD can establish that the Anti-Doping Rule Violation was intentional.*

*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.*

*10.2.3 As used in Article 10.2, the term "intentional" is meant to identify those Athletes or other Persons who engage in conduct which they know constitutes an Anti-Doping Rule Violation or they know that there is a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and they manifestly disregard that risk.*

*(a) [...]*

17. In accordance with ADR Article 10.2.1(b), since this matter concerns a Specified Substance, the period of Ineligibility to be imposed shall be four (4) years, if UKAD can demonstrate to the comfortable satisfaction of a Panel that the ADRVs were

'intentional' (within the meaning of ADR Article 10.2.3). If UKAD is not able to prove that the ADRVs were intentional, the period of Ineligibility to be imposed shall be two (2) years (ADR Article 10.2.2).

18. Having considered Mr Little's evidence and submissions, UKAD does not assert that the ADRVs were 'intentional' (within the meaning of ADR Article 10.2.3).

19. In arriving at this decision, UKAD has had regard to the following factors:

- i. The jurisprudence is clear that what counts in respect of 'intention' is what Mr Little actually knew, not what he should have known<sup>2</sup>.
- ii. Mr Little played rugby during the 2022/23 season at a level where he was considered by UKAD to be a Recreational Athlete. In addition, UKAD received confirmation from the WRU that Mr Little had never received any anti-doping education at any of the clubs he had been registered with. The standard of care one could expect Mr Little to take in relation to supplement use therefore has to be considered in that context.
- iii. Mr Little provided evidence of the ingredients that he said were listed on the bottle of the "Shredabull Untamed 2.0" supplement that he purchased. These ingredients did not list higenamine, but did list 'nandina domestica extract', another name for higenamine. While it is clear that an Athlete should exercise caution in advance of taking any supplement (for example, by conducting a "reasonable internet search" of the ingredients on the product label, pursuant to the provisions of ADR Article 1.3), Mr Little's individual circumstances were such, particularly in respect of the absence of anti-doping education, that he was not alive to the need to conduct more than cursory checks of the label.
- iv. Given the lack of available evidence to suggest Mr Little knew there was a significant risk that taking the supplement would result in him committing an ADRV, UKAD does not consider it can demonstrate to the requisite standard that Mr Little's actions were 'intentional'.

20. 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)*

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<sup>2</sup> ITF v Sharapova, Independent Tribunal decision dated 6 June 2016, para 77 ('It is clear from the wording of article 10.2.3 that whether conduct is intentional is to be judged on the actual knowledge of the player, not on the basis of what she ought to have known or understood')

*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...*

21. The applicable period of Ineligibility is therefore two (2) years.

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

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22. 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.
23. 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.
24. Mr Little has been subject to a Provisional Suspension since the date of the Notice, i.e., since 29 September 2023 and as far as UKAD is aware he has respected the terms of that Provisional Suspension. Therefore, affording Mr Little credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 29 September 2023 and will end at 11.59pm on 28 September 2025.

### **Status during Ineligibility**

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25. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Little 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 WRU or by any body that is a member of, or affiliated to, or licensed by the WRU;
  - 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.

26. Mr Little may return to train with a team or to use the facilities of a WRU club or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e., from 11.59pm on 28 July 2025) pursuant to ADR Article 10.14.4(b).

## **Summary**

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27. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:

- a) Mr Little 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) A period of Ineligibility of two (2) years is therefore imposed;
- d) Acknowledging Mr Little's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 29 September 2023 and will expire at 11.59pm on 28 September 2025; and
- e) Mr Little status during the period of Ineligibility shall be as detailed in ADR Article 10.14.

28. Mr Little, the WRU, World Rugby and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.

29. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

**8 March 2024**