

Issued Decision

UK Anti-Doping and Robert Helenius

Disciplinary Proceedings under the Anti-Doping Rules of the British Boxing Board of Control

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the British Boxing Board of Control ('BBBoC'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Robert Helenius 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 BBBoC is the national governing body for the sport of professional boxing in the United Kingdom. UKAD is the National Anti-Doping Organisation ('NADO') in the United Kingdom. The BBBoC has adopted, as its own ADR, the UK Anti-Doping Rules¹, 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 Helenius is a 40-year-old professional boxer from Finland. The BBBoC granted Mr Helenius a Foreign Boxer licence to compete in a bout on 13 August 2023 against Anthony Joshua at the O2 Arena, London. As a boxer licensed with the BBBoC and a participant in Competitions and other activities organised, convened, authorised, or recognised by the BBBoC, at all relevant times Mr Helenius was subject to and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has Results Management responsibility in respect of all boxers that are subject to the jurisdiction of the BBBoC.
3. On 13 August 2023, UKAD collected a urine Sample from Mr Helenius In-Competition after his bout against Mr Joshua in London.
4. Assisted by the Doping Control Officer in attendance, Mr Helenius split the urine Sample into two separate bottles which were given reference numbers A1192053 (the 'A Sample') and B1192053 (the 'B Sample').

¹ Version 1.0, in effect as from 1 January 2021

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 procedures set out in WADA's International Standard for Laboratories. Analysis of the A Sample returned an Adverse Analytical Finding ('AAF') for clomifene.
6. Clomifene is listed under section S4 of the WADA 2023 Prohibited List as a hormone and metabolic modulator. It is a Specified Substance which is Prohibited at all times.
7. On 18 September 2023, UKAD sent Mr Helenius a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Helenius, 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). UKAD invited Mr Helenius to provide an explanation for the alleged ADRVs.
8. Mr Helenius' legal representative responded to the Notice Letter on his behalf. The response stated that Mr Helenius did not dispute the ADRVs asserted in the Notice Letter. Further, it stated that the clomifene detected in Mr Helenius' Sample must have originated from his consumption of eggs and chicken meat and that, accordingly, Mr Helenius bore No Fault or Negligence. The response referred to a study which highlighted the possibility of AAFs being returned for clomifene following the consumption of eggs and chicken meat that originated from hens administered with the substance in order to increase egg production.
9. Following a request for further information from UKAD, Mr Helenius provided details of his diet in the four-week period leading up to Sample collection.
10. On 8 February 2024, UKAD proceeded to issue Mr Helenius with a Charge Letter, which formally charged him with the commission of an ADRVs pursuant to ADR Articles 2.1 and 2.2. The Charge Letter also informed Mr Helenius that the asserted period of Ineligibility for the ADRVs is two (2) years.
11. Mr Helenius responded to the Charge Letter by reiterating his response to the Notice Letter, i.e., that he accepted the ADRVs, but that they had come about through the consumption of eggs and chicken meat in his diet.
12. Following consideration of all the evidence in the case, UKAD asked Mr Helenius to provide any evidence that the eggs or chicken meat he purportedly consumed in the weeks leading up to the bout originated from hens that had been administered with clomifene.

13. On 7 June 2024, Mr Helenius' legal representative wrote to UKAD to confirm that he had no further evidence to provide in this case. UKAD responded, outlining its understanding that Mr Helenius now accepted the ADRVs and the asserted period of Ineligibility of two (2) years, and asked to be informed if this position was incorrect. To date, Mr Helenius has not sought to contest this matter further.

Consequences

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 Helenius' evidence and submissions, UKAD does not assert that the ADRVs were 'intentional' (within the meaning of ADR Article 10.2.3). The applicable period of Ineligibility for the ADRVs is therefore two (2) years, pursuant to ADR Article 10.2.2.
19. In respect of Mr Helenius' position that the clomifene entered his system through the consumption of eggs and chicken meat in his diet, Mr Helenius was not able to provide any evidence to establish that the eggs and chicken meat he purportedly consumed prior to Sample collection originated from hens that had been administered with clomifene. As Mr Helenius was not able to identify how clomifene had entered his system, UKAD does not consider there to be any basis for Mr Helenius to receive a reduction to the applicable two (2) year period of Ineligibility under the ADR.
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) 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

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 Helenius has been subject to a Provisional Suspension since the date of the Notice, i.e., since 18 September 2023 and as far as UKAD is aware he has respected the terms of that Provisional Suspension. Therefore, affording Mr Helenius credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 18 September 2023 and will end at 11.59pm on 17 September 2025.

Status during Ineligibility

25. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Helenius 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 BBBoC or by any body that is a member of, or affiliated to, or licensed by the BBBoC;
 - 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 Helenius may return to train or use the facilities of a Signatory's club or member organisation during the last two months of his period of Ineligibility (i.e., from 11.59pm on 17 July 2025) pursuant to ADR Article 10.14.4(b).

Summary

27. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
 - a) Mr Helenius 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 imposed pursuant to ADR Article 10.2.2;
 - d) Acknowledging Mr Helenius' Provisional Suspension, the period of Ineligibility is deemed to have commenced on 18 September 2023 and will expire at 11.59pm on 17 September 2025; and
 - e) Mr Helenius' status during the period of Ineligibility shall be as detailed in ADR Article 10.14.
28. Mr Helenius, the BBBoC 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.

27 June 2024