



## **Issued Decision**

### **Rugby Football Union and Kieran Goss**

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

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This is an Issued Decision made by the Rugby Football Union ('RFU') pursuant to its Anti-Doping Rules ('ADR'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Kieran Goss contrary to the ADR 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 RFU is the national governing body for rugby union in England. UK Anti-Doping ('UKAD') is the National Anti-Doping Organisation ('NADO') in the United Kingdom. Pursuant to RFU Regulation 20, the RFU has adopted, as its own ADR, the UK Anti-Doping Rules in relation to all anti-doping activities carried out by UKAD.
2. Mr Goss is a 33-year-old rugby union player for Chinnor RFC. At all material times in this matter, Mr Goss was subject to the jurisdiction of the RFU and bound to comply with the ADR. Pursuant to ADR Article 1.3.4 (e), for the purposes of this case, UKAD has delegated Results Management responsibility to the RFU.
3. On 23 March 2024, UKAD Doping Control Personnel collected a urine Sample from Mr Goss In-Competition at a match between Richmond RFC and Chinnor RFC.

4. Assisted by a UKAD Doping Control Officer in attendance, Mr Goss split the urine Sample into two separate bottles which were given the reference numbers A1193116 (the 'A Sample') and B1193116 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories and Testing and Technical Document – TD2022DL. Analysis of the A Sample returned Adverse Analytical Findings ('AAFs') for carboxy-THC at an estimated concentration of 460ng/mL (after adjustment for Specific Gravity, 207 ng/mL).
6. Carboxy-THC is a metabolite of tetrahydrocannabinol ('THC'), the psychoactive compound found in cannabis. THC is classified as a Cannabinoid under section S8 of the 2024 WADA Prohibited List (the 'Prohibited List'). It is a Specified Substance that is prohibited In-Competition only. Pursuant to Article 4.2.3 of the 2021 World Anti-Doping Code, THC is also specifically identified as a substance of Abuse in the 2024 WADA Prohibited List.
7. Mr Goss does not have a Therapeutic Use Exemption ('TUE') for THC.
8. On 26 April 2024, UKAD sent Mr Goss a notification letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Goss, in accordance with ADR Article 7.8, that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or an ADRV pursuant to ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
9. On 1 May 2024, Mr Goss acknowledged receipt of the Notice Letter and admitted that he had ingested THC and provided an explanation of how and when THC had been ingested.
10. On 28 May 2024, UKAD instructed Professor David Cowan OBE, Professor Emeritus in Pharmaceutical Toxicology, King's College London, to review the account provided by Mr Goss to consider whether (i) the explanation that ingestion of THC occurred Out-of-

Competition was consistent with the AAFs reported, and (ii) if not, how likely it was that ingestion occurred within the In-Competition period (i.e. on or after 11.59pm on 22 March 2024).

11. Professor Cowan provided a written opinion on 2 June 2024, in which he concluded that the explanation for the AAF as being an administration of four “joints of hashish” on 2 and 3 March 2024, did not account for the Laboratory finding of 460ng/mL in the urine Sample collected on 23 March 2024. Professor Cowan also opined that Mr Goss may have administered a THC-containing preparation during the In-Competition period (i.e. on or after 11:59pm on 22 March 2024).
12. Subsequent to the report being obtained, Mr Goss obtained independent legal advice and provided a revised account where he confirmed that he had also consumed THC from 17:00 on Wednesday, 20 March 2024 until approximately 00:30 to 01:00 on Thursday, 21 March 2024.
13. Considering the revised statement from Mr Goss relating to the date of ingestion, on 20 and 21 March 2024, a second expert report was requested from Professor Cowan which was provided to UKAD on 1 August 2024. Professor Cowan’s updated report, incorporating the change in date/time, provided an updated scientific opinion that the revised account that Mr Goss took four “joints of hashish” between 17:00 on 20 March and approximately 01:00 on 21 March 2024 was a plausible explanation for the Laboratory finding of 460 ng/mL in his urine Sample.
14. On 19 August 2024, the RFU proceeded to issue Mr Goss with a Charge Letter in accordance with ADR Article 7.11.2.<sup>1</sup>.

## **Admission and Consequences**

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15. ADR Article 2.1 provides that the following is an ADRV:

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<sup>1</sup> While the Charge Letter asserted ADRVs under ADR Article 2.1 and 2.2, the ADRV under ADR Article 2.2 (Use of a Prohibited Substance or a Prohibited Method) has not been pursued as THC is prohibited In-Competition only, and in light of the account provided by Mr Goss and the opinion of the scientific expert, it is accepted that Mr Goss’ last ingestion of THC took place Out-of-Competition.

**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.**

16. ADR Article 10.2.4 provides:

*10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:*

*(a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.*

*(b) [...]*

17. Out-of-Competition is defined in the ADR as:

*Any period which is not In-Competition.*

18. In-Competition is defined in the ADR as:

*The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition; provided, however, that WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport. Upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.*

19. To benefit from a three-month period of Ineligibility under ADR Article 10.2.4(a), the burden rests on Mr Goss to prove (on the balance of probabilities) that his ingestion of THC occurred Out-of-Competition (i.e., before 11.59pm on 25 March 2023) and was in a context unrelated to sport performance
20. The explanation received by the RFU from Mr Goss regarding his ingestion of cannabis on 20 and 21 March 2024, combined with the expert evidence of Professor Cowan, is sufficient for the RFU to be satisfied, in respect of the ADRV under ADR Article 2.1, that Mr Goss has discharged his burden to demonstrate that his ingestion of THC occurred Out-of-Competition and in a context unrelated to sport performance.
21. On 19 August 2024, Mr Goss responded to the RFU's Charge Letter. He admitted to the ADR Article 2.1 ADRV and agreed to the asserted period of Ineligibility of three (3) months.

#### **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 Goss has been subject to a Provisional Suspension since the date of the Notice Letter, i.e. since 26 April 2024, and as far as the RFU is aware, had respected the terms of that Provisional Suspension. Therefore, on 20 August 2024, the RFU wrote to Mr Goss and informed him that the RFU had lifted his provisional suspension, acknowledging that he had served the maximum three (3) month period of Ineligibility in the case. Therefore, affording Mr Goss credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed served and he is eligible to participate in sport forthwith.

## Summary

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25. For the reasons given above, the RFU has issued this Decision in accordance with ADR Article 7.12.2, and records that:
- a) Mr Goss has committed an ADRV pursuant to ADR Article 2.1;
  - b) A period of Ineligibility of three (3) months is imposed pursuant to ADR Article 10.2.4 (a).
26. In accordance with ADR Article 10.13.2, affording Mr Goss credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 26 April 2024, and is deemed served and he is eligible to participate in sport forthwith. Mr Goss, UKAD, World Rugby, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
27. The Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

**19 September 2024**