

In the matter of the Canadian Anti-Doping Program;

And in the matter of an anti-doping rule violation by a Football Canada athlete asserted by the Canadian Centre for Ethics in Sport;

Reasoned Decision

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection session on July 19, 2015 in St- Jean- Sur- Richelieu, QC.
2. A Football Canada athlete (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Salbutamol. Salbutamol, when reported in excess of 1000ng/mL is classified as a prohibited substance on the 2015 World Anti-Doping Agency (WADA) Prohibited List.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of a prohibited substance, the athlete waived his right to a hearing and accepted the proposed consequences.

Jurisdiction

4. The CCES is an independent, not-for-profit organization incorporated under the federal laws of Canada that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the Canadian Anti-Doping Program (CADP), including providing anti-doping services to national sport organizations and their members.
5. As Canada’s national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code (Code) and its mandatory International Standards. The CCES has implemented the Code and its mandatory International Standards through the CADP, the domestic rules which govern this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. The athlete is a member of Football Canada and participates in Football Canada sanctioned events. According to Part C, Rule 1.3 of the CADP, the CADP provisions apply to all members of, and participants in the activities of, sport organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. Football Canada adopted the CADP on January 16, 2015. Therefore, as a member of Football Canada and/or as a participant in Football Canada sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On July 19, 2015, the CCES conducted an in-competition doping control session at the Football Canada cup competition in St-Jean-Sur-Richelieu, QC. Testing at this competition was conducted on Football Canada athletes as part of the CCES' domestic test distribution plan, all pursuant to the CADP.
8. The athlete was notified for doping control and, together with the Doping Control Officer (DCO) from the CCES, completed the sample collection process. The athlete's sample code number was 2876131.
9. On July 19, 2015, the athlete's sample was sent to a World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. On August 5, 2015, the CCES received a Certificate of Analysis for the athlete's sample (sample code 2876131) from the INRS which indicated the presence of Salbutamol.
11. Salbutamol, when reported in excess of 1000ng/mL is classified as a prohibited specified substance on the 2015 World Anti-Doping Agency (WADA) Prohibited List.
12. During the initial review, the athlete was provided the opportunity to request the analysis of his B Sample by August 21, 2015. As no request was made by the athlete before the deadline the right to B-Sample analysis was deemed to be waived.
13. On November 23, 2015, the CCES formally asserted a violation against the athlete for the presence of a prohibited substance (specified substance).
14. Following an evaluation of all the relevant facts the CCES has determined that the athlete was not at significant fault or negligence for the violation. Further, the CCES has evaluated the athlete's degree of fault for the violation, considers it to be low and therefore has concluded that a reduction in sanction, down to a reprimand, is warranted in accordance with CADP Rule 10.5.1.1. The CCES' rationale for this outcome is the following:
 - i) The athlete was not, at the time of testing, a National or International athlete as defined in the CADP;
 - ii) The athlete was at all times using Salbutamol for therapeutic purposes pursuant to a valid prescription properly obtained from his physician;

- iii) The athlete was using the medication Salbutamol precisely as directed by his physician;
- iv) The athlete's urine sample was extremely concentrated (specific gravity measured at 1.035), and according to the expert opinion of the Director of the WADA-Accredited Laboratory in Montreal, the high specific gravity contributed significantly to the elevated finding for Salbutamol in the athlete's sample;
- v) The athlete is young with limited anti-doping education and awareness.

15. Therefore, as this would be a first violation involving a "specified substance", and after consideration for the factors outlined above, the CCES determined that the sanction for this violation should be a reprimand and no period of ineligibility (in accordance with Rule 10.5.1.1 of the CADP). In addition, the CCES has exercised its discretion to not name the athlete (who was a minor) as permitted in CADP Rule 14.3.6.

16. At the time of the CCES' assertion of the presence violation the athlete was provided the opportunity to undergo a pharmacokinetic study to attempt to duplicate the results of his July 19, 2015 sample collection session. The athlete elected not to participate in a pharmacokinetic study.

Confirmation of Violation and Sanction

17. On December 2, 2015, in response to the CCES' assertion, the athlete waived his right to a hearing thereby accepting the violation and the proposed reprimand with no period of ineligibility.

18. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 10th day of December, 2015.



Jeremy Luke
Director, Canadian Anti-Doping Program and Business Development
CCES