



Anti-Doping: Jiao Caiping (CHN)

By ITU Admin on 08/07/09 at 12:01 am

In the matter of the International Triathlon Union and Ms. Jiao Caiping.

The Facts

The triathlete CAIPING Jiao from China provided a urine sample Code number A2293012 on March 29, 2009 during the Mekong River International ITU Asian Cup in Nongkhai Province, Thailand. The certificate of analysis that was received by ITU headquarters on May 29 2009 and sent from the WADA Accredited Laboratory in Bangkok reported an adverse analytical finding of Prednisolone in Sample A2293012.

Prednisolone is a glucocorticosteroid. It is a specified substance prohibited in-competition under the WADA Prohibited List. In accordance with the International Triathlon Union (ITU) Anti-Doping Rules, the ITU proceeded with results management of adverse analytical finding Sample A2293012.

The ITU Procedure

The ITU gave Ms. Caiping and her national federation in China notice of the adverse analytical finding on June 8th, 2009. On June 10, 2009, the ITU received written statement from the athlete and the Secretary General of the China Triathlon Sports Association. These statements offered an in-depth medical explanation for the adverse analytical finding. The Chinese Federation asserted that the athlete had a valid medical reason for the use of the prednisone but that she simply failed to apply for a Therapeutic Use Exemption because she was told she did not need one.

The 2009 International Standard for TUEs provides athletes with the opportunity to apply for a retroactive TUE for the use of glucocorticosteroids. However, this retroactive option only applies if the route of application of the substance is by inhalation. In this case, the prednisone was applied by injection. The possibility of applying for a retroactive TUE did not exist. And, the athlete also failed to fill out a Declaration of Use Form.

Accordingly, in a letter dated June 10 200, the ITU informed Ms Ciaping and the Chinese Federation that it was carrying on with its results management of the adverse analytical finding. The ITU offered the athlete the option of analyzing the B sample or waiving the B sample analysis, thereby confirming the anti-doping rule violation.

In a letter dated June 14th, the Chinese Federation waived the B sample analysis and accepted to proceed to a documentary hearing. They were provided with the opportunity to submit medical documentation along with statements to the ITU Anti-Doping Hearing Panel so as to allow the Panel to make a reasoned decision based on a fully documented file.

Defendants Submissions.

The medical documents and statements provided by the Chinese can be resumed as follows.

The medical documentation confirms that in January 2009, after the athlete suffered an injury to the soft tissue of her right heel in training she sought diagnosis and treatment from the Peoples Hospital of Guagxi Zhuang Autonomous Region. Following rehabilitation and physiotherapy, she received a Prednisone injection on March 19 2009, to allow for complete healing of the injury.

Ms. Caiping asserts that she consulted with her team doctor about the use of prednisone out-of-competition and was told that she did not need to apply for a TUE for local treatment like the prednisone injection she would receive.

She further asserted that she did not declare the use of the substance on her doping control form because the form indicated that the medical declaration was for substances used 7 days prior to doping control. Since her injection was on March 19, she did not declare the Prednisone injection on her form.

The defendant pleaded that she had no intention to cheat. The use of the substance was for purely medical reasons rather than performance enhancing effect. In waiving the right to the B sample analysis and confirming the anti-doping rule violation, she pleaded the ITU to consider the mitigating factors, including the medical reasoning for the use of the substance, her clean record, her love of the sport and respect of anti-doping rules and most notably, her lack of intent.

The ITU Anti-Doping Hearing Panel must now render a decision on all the evidence and facts before it, in strict application of the World Anti Doping Code and ITU Anti-Doping Rules.

The Evidence

The ITU Anti-Doping Hearing Panel received the medical documentation and statements from the athlete and her federation and deliberated on their contents.

On the whole, the evidence provided illustrates how the Prednisone entered the athletes body. It confirms the anti-doping rule violation. It provides medical reasoning for the one time use of the drug and the athletes lack of intent to cheat.

The Issues

1. Has ITU established that the triathlete has committed an anti-doping rule violation?

2. If the triathlete is found to have committed an anti-doping rule violation, should the sanction otherwise applicable be reduced or eliminated?

1. Has ITU established that the triathlete has committed an anti-doping rule violation?

The presence of a prohibited substance or its metabolites in an athletes sample is an anti-doping rule violation. The ITU Anti Doping Rules make a triathlete responsible for any prohibited or specified substance found in his or her urine sample analysis.

The triathletes A sample 2293012 was analyzed by the WADA accredited laboratory in Bangkok and yielded an adverse analytical finding of Prednisolone. The B sample analysis was waived by the athlete thereby confirming the A finding.

Since there was no apparent departure from the ITU Rules or from the International Standard for Laboratories that could undermine the validity of the adverse analytical finding, the ITU Panel is convinced on a review of all of the evidence before it, that an anti-doping rule violation has occurred.

2. If the triathlete is found to have committed an anti-doping rule violation, should the sanction otherwise applicable be reduced or eliminated?

Article 10.4 of the ITU Anti-Doping Rules states

Where a triathlete or other Person can establish how a specified substance entered his body or came into his possession and that such specified substance was not intended to enhance the triathletes sport performance or mask the use of a performance-enhancing substance, the period of Ineligibility at Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of Ineligibility from future events, and at a maximum, two (2) years Ineligibility.

To justify any elimination or reduction, the triathlete must produce corroborating evidence in addition to his word which establishes to the comfortable satisfaction of the hearing panel the absence of an intention to enhance sport performance or mask the use of a performance enhancing substance. The triathletes degree of fault shall be the criteria considered in assessing any reduction of the period of ineligibility

The ITU Panel must consider all the evidence provided in this case, including the athletes statement, in order to make a determination on whether or not Ms. Caiping has established to its comfortable satisfaction that the sanction should be reduced or eliminated.

Under all the circumstances of this case, the ITU panel is satisfied that the mandatory 2 year sanction for anti-doping rule violation should be reduced.

Reasons

The Code states that athletes are strictly liable for the substances that are found in their systems, and that exceptional circumstances mitigating against the consequences of that strict responsibility will not be found to exist where an athlete has failed to exercise appropriate diligence and care.

In this case, the medical documentation provided by Ms. Caiping and her federation is convincing. The athlete had a valid injury and received valid medical treatment for this injury. She asserts that she made efforts to inquire about the necessity of a TUE and was told that a TUE was not needed. The evidence shows that the triathlete had no intention to cheat the system or obtain any performance enhancing effect from the use of the medication. She waived the B sample analysis and showed sincere remorse for the adverse analytical finding.

The International Standard for TUEs states that:

A declaration of use is required for glucocorticosteroids administered by non-systemic and non-topical routes, namely, by intraarticular, periarticular, peritendinous, epidural and intradermal injection, and by inhalation. Declarations of use must be submitted on the appropriate form to the ADO via ADAMS. Furthermore, the use of the substance must be mentioned on the doping control form at the time of the control. And, the declaration of use must be made upon commencement of use of the product. Finally, there is no approval procedure for declarations of use.

As such, the athlete's fault lies not in intending to cheat or to disregard the Rules, but rather in not being fully aware of the new procedures for obtaining TUEs and Declarations of Use. In fact, had Ms Caiping filled out a Declaration of Use Form immediately upon or prior to receiving the injection and declared the use of the substance on her Doping Control Form, she would have been absolved of all wrongdoing.

Decision

The ITU Anti-Doping Hearing Panel has decided on this matter by postal vote.

An anti-doping rule violation has occurred under Article 2.1 of ITU Anti-Doping Rules. Although the required sanction for this first anti-doping rule violation is a two year period of ineligibility from competing, the Rules now provide room for flexibility and leniency in sanctioning.

The ITU Panel is more than comfortably satisfied that the athlete has demonstrated that she had no intention of enhancing her sports performance or cheating. However, because doping is a strict liability offence and that an anti-doping rule violation was in fact committed, the ITU Panel is compelled to impose a sanction on Ms. Caiping.

By applying Article 10.4 of ITU Anti-Doping Rules, the Panel is hereby imposing a warning on Ms. Caiping. The result obtained by Ms. Caiping during the Mekong River International ITU Asian Cup will also be cancelled.

To avoid circumstances similar to the one at hand from reoccurring, the ITU Anti-Doping Hearing Panel urges all triathletes and ITU member federations to become aware of and properly apply the International Standard for TUEs and - when needed and warranted - either to apply to their relevant Anti-Doping Organization for a proper TUE or fill out and submit a Declaration of Use Form.

The decision of the ITU Anti-Doping Hearing Panel is final but may be appealed to the International Court of Arbitration in Sport by Ms. Caiping, the Chinese Triathlon Sports Association and/or WADA in accordance with the ITU Anti-Doping Rules.

Decision taken in Montreal, Canada on July 3rd, 2009

ITU Anti-Doping Hearing Panel

Janie Soublire, Chair
Dr. Doug Hiller, member
Dr. James Lally, ad hoc member