



Anti-Doping Panel Decision

Case File 2502283

Mr. Gregory BERRIOS

Puerto Rico

FEDERATION INTERNATIONALE DE VOLLEYBALL

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THE FIVB ANTI-DOPING HEARING PANEL

Composed by

- **Prof. Bruno Manzella** President (Italy, Disciplinary Commission President)
- **Prof. Manfred Holzgraefe** Member (Germany, Medical Commission Member)
- **Mr Ben Slimane** Member (Tunisia, Disciplinary Commission Member)

At the hearing which took place on 4 August 2010, 4 pm, Swiss time, via telephone conference

The FIVB Anti-Doping Hearing Panel discussed the case file identified as 2502283.

INTRODUCION

1. On 18 June 2010 the FIVB was notified by the UCLA - WADA accredited Laboratory of Los Angeles (USA), regarding an Adverse Analytical Finding concerning A-sample 2502283, containing the substance N-Didesmethyisibutramine- belonging to the category S6 (Stimulants) on the 2010 WADA Prohibited List- which result was confirmed again on 30 June 2010.
2. The above mentioned sample was taken in-competition on 27 May 2010, during the V° Men's Pan American Cup, held in San Juan, Puerto Rico and belongs to the player Mr. Gregory Berríos.
3. After having received a copy of the Doping Control Form, FIVB informed the Puertorican National Federation of the athlete's right to request the B sample to be analyzed, to attend the opening of the B sample personally or via a representative and to present his official statement.
4. On 13 July 2010, the FIVB having taken in consideration all circumstances, decided to provisionally suspend the athlete.
5. In consequence of this decision, the athlete – by means of his legal representative – waived his previous request of the opening of the B sample.
6. The lawyer previously sent a written statement, emphasizing:
 - a. Before the beginning of the V° Men's Pan American Cup, the athlete would have been nursing a knee injury and, needing to shed some weight, he bought a product named "Fat Loss", which was supposed to contain only natural products. Neither the box nor information found inside the box, alerted the consumers that this product contains other products or substances (the legal representative sent to the FIVB, enclosed to his defensive report, a copy of the products box, the information inside and a sample of the product).

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- b. The athlete is an excellent player and has being tested in different tournaments and competitions, always with negative results.
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7. His National Federation President and the NORCECA President, as well as FIVB Vice President, reliable witnesses for their particular offices within FIVB legal institutions, confirm that the athlete would be one of the most honest and decent human being and a role model for his teammates and for the young people in Puerto Rico.
 8. Before the hearing via telephone conference, the athlete's representative sent an affidavit of Mr. Berrios including written statements of the athlete, his attorney and a report prepared by Dr. Joseph Bloom.
 9. The Anti-Doping hearing via telephone conference was attended next to the Anti-Doping Hearing Panel by the athlete, Mr. Gregory Berrios, his attorney Mr. Ricardo Carrillo, Dr Bloom as expert witness and Mr. Christobal Marte Hoffiz, as independent observer.

LEGAL CONSIDERATIONS

1. According to the 2010 Prohibited List, the substance N-Didesmethylsibutramine, is included in class *S6 Stimulants* and prohibited in-competition.
2. According to art. 2.1 of the FIVB Medical Regulations, the presence of this substance in an athlete's bodily specimen constitutes an anti-doping rule violation sanctioned according to art. 9.2 of the FIVB Medical Regulations.
3. The above mentioned sample belongs to the player Mr Berrios.
4. No Therapeutic Use Exemption (T.U.E.) exists.
5. Nevertheless it is admitted as evidences that the athlete, who suffered from a knee injury, gained some weight that he needed to shed. For this reason he took the product named "Fast Loss" – It is confirmed neither writing on the box nor inside information alerts the consumer that this product could contain other substances not mentioned, and in this specific context, the prohibited substance of N-Didesmenthylsibutramine.
6. The U.S. Food and Drugs Agency warned about tainted weight loss products containing undeclared, active pharmaceutical ingredients such as Sibutramine (an appetite suppressant), and issued a list of 72 of these products. It has been found out that some of the dietary supplements on the market contain potential harmful ingredients not listed on the product labels or announced in promotional advertisements.
7. On the basis of these unquestionable occurrences, the Panel considers, *on the one hand*, the athlete has produced corroborating evidence, which has established the absence of a fraudulent intent to enhance his sport performance, but, *on the other hand*, the athlete has to be considered liable of an unforgivable lightness, buying and taking – on his own initiative- whatever dietary product, also revealed as very dangerous for the

health, without previous prescription or advice of a competent expert or of the team doctor.

Consequently an anti-doping rule violation has been committed due to the rash and negligent behaviour of the player.

According to art. 9.4 of the FIVB Medical Regulations the period of ineligibility, based on above exposed circumstances, can be reduced to a period of three months, starting from the provisional suspension of the player.

Taking above into consideration

The FIVB ANTI-DOPING HEARING PANEL

Concludes

The player GREGORY BERRIOS has committed an anti doping rule violation (presence of the prohibited substance Sibutramine in his bodily specimen), according to art. 2.1 of the FIVB Medical Regulations, without intention to enhance the sport performance, but with serious negligence and imposes him, according to art. 9.4 of the FIVB Medical Regulations, the sanction of three (3) months ineligibility, starting from 13 July 2010.

Decided August 4, 2010

Prof. Manfred Holzgraefe
Member

Prof. Bruno Manzella
President

Mr Ben Slimane
Member