

DECISION

- 1 The athlete, Mr Lindhikaya Leeds Mthangayi, was charged in terms of Article 2.1 of the South African Institute for Drug Free Sport (SAIDS) Anti-Doping Rules 2009 ("the Anti-Doping Rules") for having committed an anti-doping rule violation on 22 September 2013 during the Cape Town marathon.
- 2 The athlete was tested on 22 September 2013 at the end of the said marathon where he had come first.
- 3 He provided urine samples (2821702 and 2821697) during the in-competition test.
- 4 Upon analysis, the South African Doping Control Laboratory reported the presence of a prohibited substance in his urine samples. The substance identified in the A sample was 17β -hydroxymethyl- 17α -methyl-18-nor-androst-1, 4, 13-triene-3-one, a metabolite of the Anabolic Agent, Metandienone.
- 5 Metandienone is categorised under Class S1 Anabolic Agents, on the world Anti-Doping Code 2013 Prohibited List International Standard.
- 6 The athlete requested an analysis of the B sample which confirmed the A sample result.
- 7 He:

- 7.1 pleaded guilty to the charge,
- 7.2 admitted the correctness of the reports and the further documentation contained in the bundle submitted to him prior to the hearing (Exhibits "A" to "U") and that of Exhibit "V" handed to him shortly before commencement of the hearing,
- 7.3 had no objection to the composition of the Committee nor
- 7.4 to its jurisdiction over the matter.
- 8 The athlete was accordingly found guilty as charged.

SANCTION

- 9 The athlete is 34 years of age, having run seriously in medium to long distance events since 2001.
- 10 He currently runs for the Itheko Athletics Club but has been suspended from running since September 2013 pending the outcome of this hearing.
- 11 During 2009/2010 he achieved success in various South African half marathon and 10 km events.
- 12 The charge arose from the testing done to his urine samples taken after the Cape Town marathon.

- 13 Mr Mthangayi provided the following information regarding the supplements that he claimed to have used the night before the race :4 x Voltaren tablets
2 x Ginsana tablets, 2 x slow mag tablets.2 x Turbovite tablets.
- 14 He stated he took the same tablets as above the morning of the race except for the Voltaren tablets.
- 15 He explained that he had trained very hard before the race for some three months, part of which had been in the Transkei, that he wished to win the race and claimed that during the race he had shared a water bottle with fellow competitors. He suspected that that may have been how the Metandienone had entered his body.
- 16 Subsequently, during further evidence from the athlete and his coach, it was claimed that the substance may also have entered his body post the event and before his being tested.
- 17 These suspicions / allegations were, however, not corroborated in any respect.
- 18 Based on the following further evidence the Committee is not satisfied that this is the manner in which the substance was imbibed –
- 18.1 Three or four of the top ten athletes in the same event were also tested;
- 18.2 None of them tested positive for Metandienone ;

- 18.3 The athlete claimed competitors guarded the type of supplements used by them and did not share information freely ;
- 18.4 The athlete admitted that he "*was stupid*" and that he regretted what had transpired ;
- 18.5 He was unable to identify the person in the group who allegedly shared his water bottle with him ;
- 18.6 He accepted that, given the fact that he had been tested positive in 2010, at which time he was suspended for 6 months from running, he should have been a lot more careful about sharing water bottles in the manner claimed ;
- 18.7 Mr Jacobs informed the Committee that the athlete had stated to him that he (the athlete) had obtained the substance in the Transkei at the time of his training there.
- 18.8 Further evidence was that the athlete was well educated, understood English well, had been informed on numerous occasions in the past by his athletics body and coaches as to which substances were prohibited.
- 18.9 His anti-doping knowledge was good.

- 18.10 He had access to advice from *inter alia* Mr Jacobs of Athletics South Africa, who had assisted him previously to ensure that supplements used by him did not contain prohibited substances.
- 18.11 The SA Institute for Drug-Free Sport booklet on prohibited substances had been made available to him.
- 18.12 He furthermore claimed that athletes did not freely share information with each other in respect of the supplements used by them in order to maintain a competitive edge.
- 19 For all these reasons the Committee finds that there is no satisfactory evidence or proof of the substance having been accidentally taken as claimed by the athlete. Nor has the athlete provided any assistance in establishing the violation, or shown that any of the circumstances provided for in Articles 10.4 or 10.5 applied.
- 20 The prize money of R20 000 ,00 he would have otherwise won for the Cape Peninsula was withheld because of the positive finding.
- 21 He pleaded guilty and expressed regret and apologised for the event, however was not prepared or able to identify the source and provide any assistance in this regard.
- 22 The evidence in mitigation presented by his coach, Mr Pienaar, who had coached him since 2010, was that:

- 22.1 he was a role model for junior athletes,
 - 22.2 had qualified as a theological student,
 - 22.3 was in the process of completing his internship in the Department of Correctional Services,
 - 22.4 had won numerous races in the past, especially in Cape Town,
 - 22.5 trained rigorously, some 160 km per week from 4 a.m. in the morning to 6.a.m. before going to work,
 - 22.6 had set high goals *inter alia* to win the Two Oceans Marathon, which he was unable to participate in because of his suspension.
- 23 Mr Cullis, on behalf of the South African Institute for Drug Free Sport, referred the hearing to the provisions of article 10.7 dealing with multiple violations, which provides that :
- 23.1 in the case of a second violation which is found to justify the standard sanction under article 10.2 or 10.3.1, namely that of 2 years,
 - 23.2 in circumstances where, in respect of the first violation (in this case in 2010), a reduced sanction was imposed under article 10.4),
 - 23.3 the prescribed standard sanction is a period of suspension / ineligibility of between 4 – 6 years.

24 Given that :

24.1 this was a second violation ;

24.2 although the athlete showed remorse and gave his full co-operation during the hearing, he had previously been given the benefit of a reduced sanction ;

24.3 neither the athlete nor his coach could prove to the comfortable satisfaction of the hearing committee that he did not knowingly commit the anti-doping violation ;

24.4 the athlete produced no corroborating evidence which could have established to the comfortable satisfaction of the hearing the absence of an intent to enhance his sporting performance.

24.5 there was no evidence that this was part of a doping plan or scheme or involved a conspiracy or common enterprise amongst athletes or

24.6 there were any other aggravating circumstances, for example that the athlete engaged in deceptive or obstructive conduct to avoid detection,

the committee is of the view that a period of suspension / ineligibility of 4 years would be appropriate.

25 We find that this is not a case for the reduction of the prescribed minimum period of ineligibility under article 10.7.1.

26 We therefore confirm our finding that the athlete Mr LindikhayaMthangayi is guilty of having committed the doping offence with which he was charged and the Committee further orders as follows :

26.1 That in accordance with the provisions of article 10.7 Mr Lindikhaya Leeds Mthangayiis hereby declared ineligible, for a period of 4 years commencing from 22 September 2013, being the date upon which he was provisionally suspended.

26.2 The athlete is accordingly barred for the period ending 21 September 2017 from participating in any competition or other activity or funding as provided for in article 10.9 of the 2009 World Anti-Doping Code ;

26.3 Mr Mthangayi shall furthermore not be entitled to any payment or rewards for his participation in the Cape Town Marathon and his results in that competition are invalidated and any medal, points or prize forfeited ;

27 Each of the parties is to bear their own costs relating to the tribunal herein.

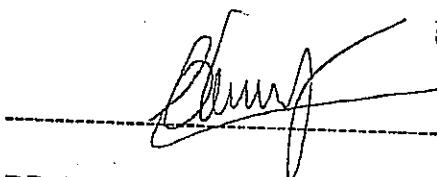
28 Mr Mthangayi is advised of his rights to appeal in terms of article 13.

DATED AT CAPE TOWN THIS 12th DAY OF MAY 2014



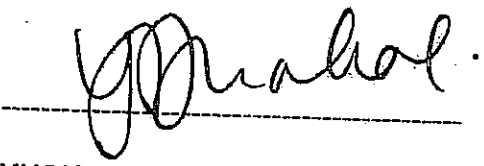
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