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iNADO Legal Note #7

Preventable Doping Cases at the Sochi Olympics

Five of the six positive tests reported so far from the 2014 Sochi Winter Olympic Games appear to have been entirely preventable. They indicate disappointing failures by National Olympic Committees (NOCs) in preparing their athletes for the Games: Lisogor (Ukraine), Pavlovs (Latvia), Sachenbacher-Stehle (Germany), Frullani (Italy) and Bäckström (Sweden). They appear to result from a combination of athlete ignorance or stupidity, and of the failure of NOC team doctors to properly review the athlete's supplement or medication use prior to the Games. The five cases also suggest that NADOs must be more assertive in their pre-Games prevention and education work with team doctors and with athletes.

The key points from these five cases based on what has been reported publicly:

- Food supplements continue to be the likely source of preventable anti-doping rule violations. (Pavlovs, Sachenbacher-Stehle, Frullani)
- Some elite athletes still trust unreliable sources of information about supplements. (Sachenbacher-Stehle, Frullani)
- Elite athletes will use supplements even knowing the risks of doping. (Pavlovs, Sachenbacher-Stehle)
- There are still elite athletes who claim ignorance about the risks of supplements. (Frullani)
- Athletes continue to consult personnel doctors who probably do not know of, or understand, the Prohibited List. (Lisogor)
- Often there appears little or no communication between athletes and NOCs, and NOC team doctors, about medications prescribed by or supplements taken on the advice of non-NOC doctors. (Lisogor, Pavlovs)
- Professional team doctors are ignorant of the requirements of World Anti-Doping Code-compliant anti-doping programmes, such as the IOC's, and fail to prepare their athletes for competitions that are subject to Code-compliant anti-doping programmes. (Pavlovs, Bäckström)

NADOs, especially those helping National Paralympic Committees (NPCs) to prepare teams for the 2014 Sochi Paralympic Winter Games, should take these steps:

- Insist that NPC Team Doctors do a medication/supplements review with every athlete.
- Those reviews must include all supplements or medications taken on the advice or prescription of non-NPC doctors.
- In view of the Sochi cases, provide renewed warning to NPCs about supplement use and sources of supplements.

All NADOs should also develop a plan to work with NOCs and NPCs to address these problems before the next major event.

Below are summaries of known facts about each of the five cases, emphasizing matters that require much more careful attention from NOCs, NPCs and NADOs:

1. German biathlete Evi Sachenbacher-Stehle tested positive for the stimulant methylhexaneamine.

According to the decision of the IOC Disciplinary Commission:

18. At the hearing, the Athlete stated in summary that:

(i) she did not understand how this substance got into her body and declared that she did not take it intentionally;

(ii) she has been taking food supplements, all of which had been mentioned on the Doping Control Form, for at least one year, on the recommendation of her nutritional adviser;

(iii) she had had several of the recommended supplements tested at the Cologne Laboratory, and the results indicated that the products tested were “clean”;

(iv) on the further recommendation of her nutritional adviser, she has taken additional supplements, which she had not tested, relying on the advice and assurance from her nutritional adviser that they were “clean” as well;

(v) upon question from the Chairman, she confirmed that she had heard about the risk of contamination involved with the use of food supplements, in particular that, even if some supplements tested did not reveal any prohibited substance, there is no guarantee that another batch of that same supplement may not be contaminated;

(vi) she indicated that she trusted the tests made and her nutritional adviser, and admitted that this may have been a mistake;

(vii) upon question from the Chairman, she indicated that the nutritional adviser was her personal adviser, who has no connection with the DOSB, is not a doctor, but a former athlete who also advises other athletes and business men, although she does not know who;

(viii) ...

(ix) she had no intention to enhance her performance by using Prohibited Substances.

(emphasis added)

2. Ukrainian cross-country skier Marina Lisogor testing positive for the stimulant trimetazidine.

According to the decision of the IOC Disciplinary Commission:

16. At the hearing, the Athlete stated in summary that:

(i) After having surgery to remove her thyroid in 2004, she had been prescribed Thyroxin. In January 2013, she was prescribed Preductal (which is the trade name for trimetazidine), by a

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cardiologist who was not associated with the NOCU, for fatigue thought to be due to her hypothyroid condition.

(ii) She had taken Preductal for two weeks in January 2013, and had six remaining pills, which she had taken with her to Sochi.

(iii) After a training session in Sochi, she started to feel unwell, saw the six pills in her medical kit, and decided to take them in order to feel better.

(iv) She had taken four pills on 16 February 2014 (two in the morning and two in the evening), and two pills on the morning of 17 February 2014.

(v) She knew that she was supposed to list all medications on the doping control form, both prohibited and non-prohibited substances. However, she forgot to declare Preductal.

(vi) She had checked WADA's list of prohibited substances prior to January 2014, and the substance was not on the list.

(vii) She admitted that it was irresponsible of her to take Preductal, that she was at fault and that she should have checked the prohibited list after January 2014, when trimetazidine was added to the list.

(viii) She had no intent to improve her results or sports performance.

(ix) She should have informed and consulted with the doctor of the NOCU before taking the pills. Nobody from the NOCU was aware of the fact that she was taking Preductal since she trained separately and never consulted with a doctor of the NOCU.

(emphasis added)

3. Latvian ice hockey player Vitalijs Pavlovs also tested positive for methylhexaneamine. According to the decision of the IOC Disciplinary Commission:

16. At the hearing, the Athlete stated that he did not understand how this substance entered his body. The Athlete further informed the Disciplinary Commission that he has been taking food supplements upon the recommendation of the doctor of his club team, Dynamo Riga. The Athlete stated that he followed the instructions of his club team doctor, whom he trusted. In addition, the Athlete stated that his teammates on his club team were also taking these food supplements. Upon being questioned by the Chairman of the Disciplinary Commission, the Athlete confirmed that he had heard about the risk of contamination involved with the use of food supplements, in particular that, even if some supplements did not contain any prohibited substances, another sample of that same supplement might be contaminated.

17. Ms Liga Cirule, the doctor of the LOC, explained that the LOC was not aware of any of the food supplements that the Athlete was taking, as the club teams of the hockey players, as well as the National Federation, have their own medical doctors, with their own medical system, and the LOC does not intervene in their system. Ms Cirule further stated that she was aware of the risk of contamination involved with the use of food supplements, which is why the LOC has a

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very strict system in place whereby the LOC does not prescribe any medications or food supplements unless they are tested in their laboratories. Ms Cirule informed the Disciplinary Commission that, before the Sochi Olympic Winter Games, the Athlete was tested on 10 December 2013 and 2 January 2014, by the LOC's anti-doping commission, and both test results were negative for banned substances.

(emphasis added)

4. Italian bobsledder William Frullani also tested positive for the stimulant methylhexaneamine.

According to the decision of the IOC Disciplinary Commission:

19. At the hearing, the Chef de Mission stated in summary that:

(i) ...

(vi) all athletes competing on behalf of the CONI had to provide a list of the supplements they had taken the previous three months, and in the case of the Athlete, he had not listed any supplement;

(vi) the Athlete provided a written statement in which he stated that he did not take any medication, but had taken only nutritional supplements.

(vii) upon questioning from the Chairman, the Chef de Mission indicated that he understood that the Athlete had ordered such nutritional supplements on the internet, probably from the United States of America or Great Britain.

(viii) upon questioning from the Chairman, the Chef de Mission indicated that he did not know if the Athlete had taken the nutritional supplements on his own accord or on the recommendation of a third party, such as a nutritional adviser;

(ix) it was the first time that the Athlete had been involved in a doping case;

(x) in Sochi, the Italian delegation had provided 26 medical and paramedical personnel, one for each squad, in order to try to avoid such a situation.

20. At the hearing, the Chief Medical Officer of the CONI stated in summary that:

(i) the Athlete had indeed confirmed, in his written submission on 22 February 2014, that he had not taken any medication, solely nutritional supplements;

(ii) ...

(v) upon questioning from the Chairman, the Chief Medical Officer of the CONI indicated that the Athlete had not asked him whether there were risks in taking nutritional supplements and that he felt the Athlete was not aware of such risks.

(emphasis added)

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Swedish ice hockey player Niklas Bäckström tested positive for an as yet undisclosed prohibited substance (said to be pseudoephedrine in media reports). According to a public statement of Bill Daly, the NHL Deputy Commissioner:

"We understand that Nicklas Bäckström tested positive for a substance banned 'in competition' by the International Olympic Committee," he said.

"It is our further understanding that the positive test was the result of a common allergy medication taken by the player knowingly, with the approval of the team doctor and without the intention of gaining an illegal or improper performance-enhancing benefit. In addition, the specific substance that resulted in the positive test is not currently on the League's Prohibited Substances List.

"Subject to confirmation of the facts as we understand them, and given the fact that the substance is neither prohibited in the NHL nor was used in an improper manner here, we do not anticipate there being any consequences relative to Nicklas' eligibility to participate in games for the Washington Capitals."

(emphasis added)

According to Scott Burnside of sport media outlet ESPN.com:

"Not sure exactly why Sweden team doctor Bjorn Waldeback wouldn't have prescribed something else for Backstrom's allergies if he knew there was even a slight chance of exceeding the level.

"But Waldeback said he had spoken to IIHF doctors before the Olympics and they agreed the one pill a day dose that Backstrom was taking -- and had been taking for a number of years -- would not put him in any danger regarding a positive test.

"I could never imagine that one tablet that he took could have these effects and could cause these levels in him," Waldeback said."

(emphasis added)

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