

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Bodybuilding

Pursuant to the decision of the Hearing Panel convened for Case 2014-005, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

December 4, 2014
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2014-005: Hearing Panel Decision

The Hearing Panel for Case 2014-005, which is composed of the following members appointed by the Chair of the Japan Anti-Doping Disciplinary Panel pursuant to Article 8.3.2 of the Japan Anti-Doping Code (the "Code"), has made the following decision concerning this case pursuant to the results of the hearing held on November 12, 2014.

December 4, 2014
Takahiro Yamauchi _____
Toshio Asami _____
Masahiro Murayama _____

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 9, Article 10.1.1 and Article 10.8 of the Code, all of the individual results of the Athlete for the competitions (September 15, 2014: The 31st Women's Hokuriku Koshinetsu Bodybuilding Championships, and September 21, 2014: The 15th Eastern Japan Bodybuilding Championships) shall be disqualified, and all medals, points and awards acquired during the period above shall be forfeited.
- In accordance with Article 10.2 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of two years starting from October 16, 2014.

Reasons:

- The metabolites of “methyltestosterone” that was detected in in-competition testing (at The 31st Women’s Hokuriku Koshinetsu Bodybuilding Championships) is designated as a prohibited substance under “S1.1.a Anabolic Androgenic Steroids (AAS), Exogenous AAS” in The 2014 Prohibited List International Standard (the “Prohibited List”), and it constitutes a “prohibited substance” as prescribed in Article 2.1 of the Code. In response to this, the Athlete neither requested an analysis of the B Sample, nor contested the test results or the process and procedure that led to those results at the provisional hearing or the hearing.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code in this case.
- The possibility of the application of Article 10.5.1 of the Code which sets forth the elimination of the period of ineligibility in the case that an athlete establishes that he or she bears no fault or negligence, and Article 10.5.2 of the Code which sets forth the reduction of the period of ineligibility in the case that an athlete establishes that he or she bears no significant fault or negligence, is considered. Whereas an athlete needs to establish how a prohibited substance entered his or her body in order for these Articles to apply, at the hearing convened on November 12, 2014, the Athlete herself, the “trainer” of the Athlete (the “Trainer”), and the “training companions” of the Athlete (the “Acquaintance”) claimed as follows and presented as evidence a pill case owned by the Trainer of the Athlete.
 - (1) The Trainer is a resident of Aichi prefecture. The Athlete used to be a resident of Aichi prefecture and had interaction with the Trainer there. The Athlete moved to Toyama prefecture in January 2014, but remained interactive with the Trainer. The Trainer is also a bodybuilding athlete, but belongs to a sports organization different from the Athlete.
 - (2) Around September 6, 2014, the Athlete and the Acquaintances were to go to the venue of the competition in which the Trainer was to participate, for the purposes of supporting the Trainer. The Trainer drove his own car from Aichi prefecture to Toyama prefecture to greet the Athlete and the Acquaintances, and welcomed the Athletes to join riding the car, and headed off to the competition venue in Aichi prefecture. While heading, the Athlete claimed that she did not feel well in the stomach, and the Trainer, who remembered that he possessed “famotidine”, a “medication for excessive stomach acid” purchased from an internet mail order business operator, recommended the Athlete to take a medication in the “far right classification on the line above” of

the pill case which he possessed. The Athlete accepted such medication, and took such medication for approximately six days in accordance with the recommendation.

- (3) Such medication was not actually a “medication for excessive stomach acid”, but “stanozolol” which was being taken by the Trainer. Although the “medication for excessive stomach acid” was within a classification different from the “far right classification on the above line” of the pill case, the Trainer mistakenly thought that the “medication for excessive stomach acid” was within the “far right classification on the above line” and recommended the Athlete to take the medication in such classification. The Athletes believe that the prohibited substance detected this time was within the “stanozolol” taken in the sequence of events above. The use of “stanozolol” is not prohibited in the sports organization to which the Trainer belongs.
 - (4) The Athlete’s perception of doping regulations was merely that “cold medication is dangerous”, and had never consulted with doctors or pharmacists with accurate knowledge regarding doping regulations.
- After the hearing, an opinion of the Japan Anti-Doping Agency (JADA) (the “JADA Opinion”) was submitted to the hearing panel to the effect that “the substance of methyltestosterone was not detected due to the use of stanozolol.” The hearing panel sent this opinion to the Athlete and requested her opinion, to which the Athlete replied by email that “with respect to my opinion regarding these facts, the testimonies which I gave at the hearing encompass everything, and are accurate.”
 - The opinion described in the JADA Opinion is an opinion of a laboratory accredited by the World Anti-Doping Agency, and its credibility is high. Therefore, the claim by the Athletes above does not constitute evidence of how the prohibited substance entered her body. There are no other claims by the Athlete as to how the prohibited substance entered her body. Therefore, the elimination or the reduction of the period of ineligibility pursuant to Article 10.5.1 or Article 10.5.2 of the Code cannot be recognized in this case.
 - Even assuming that the claim of the Athlete above constitutes proof of how the prohibited substance entered her body, the Athlete is recognized to have been significant negligence in that she, upon a careless judgement, took the medication into her body without seeking the advice of professionals. The Athlete should comply with doping regulations at her own responsibility, and even if it were true that the Trainer mistakenly gave her the medication, the significant negligence of the Athlete is not reduced in any way. Therefore, in either case, the elimination or

reduction of the period of ineligibility pursuant to Article 10.5.1 or Article 10.5.2 of the Code cannot be recognized.

- As a first violation, it is proper to impose a two-year period of ineligibility pursuant to Article 10.2 of the Code.
- In this case, the Athlete has been under a provisional suspension pursuant to Article 7.6.1 of the Code from the October 16, 2014 notice date until the time of the present decision (a provisional hearing was held on November 12, 2014 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.9.2 of the Code, the commencement date for the period of ineligibility shall be November 12, 2014.

Based on the foregoing, we have made our decision as stated above.

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