

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 2011-004, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

October 15, 2011  
Japan Anti-Doping Disciplinary Panel  
Chairman: Toshio Asami

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Case 2011-004: Hearing Panel Decision

The Hearing Panel for Case 2011-004, which is composed of the following members appointed by the Chairperson 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 October 15, 2011.

October 15, 2011  
Takahiro Yamauchi \_\_\_\_\_  
Toshio Asami \_\_\_\_\_  
Tetsuhiko Kimura \_\_\_\_\_

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 9 and Article 10.1.1 of the Code, each of the competition results for the competition (September 18, 2011: The 23<sup>rd</sup> Japan Masters Bodybuilding Championship) shall be disqualified.
- 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 4, 2011.

Reasons:

- The substance “methyhexaneamine” that was detected in in-competition testing is designated as a prohibited substance under “S6. Stimulants” in The 2011 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 hearing.
- Accordingly, the athlete can be found to have violated Article 2.1 of the Code in this case, and in accordance with Articles 9 and 10.1.1 of the Code, each of the individual competition results for the competition (September 18, 2011: The 23rd Japan Masters Bodybuilding Championship) shall be disqualified.
- Furthermore, the methyhexaneamine that was found in this case, while on the one hand constituting a “prohibited substance,” also is a “specified substance” under the Prohibited List. Based on the testimony of and the evidence (the actual supplement that was ingested, etc.) submitted by JADA, the athlete himself, and the managing director of the Japan Bodybuilding Federation, while it may be reasonably presumed that the methyhexaneamine found in this case was not administered intentionally, it has not been established how the relevant substance entered the athlete’s body, we cannot permit Article 10.4 of the Code to apply.
- On the other hand, in connection also with the elimination or reduction of the period of ineligibility based on Article 10.5 of the Code, we cannot permit this provision to apply because not only was the route by which the relevant substance entered the athlete’s body not specifically identified, but there also is clear negligence regarding the careless taking of a supplement that was obtained from overseas (which is one possible route).
- Taking into consideration the above circumstances, 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 4, 2011 notice date until the time of the present decision (a provisional hearing was held on October 15, 2011 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.9.2 of the Code, the commencement date for the two-year period of ineligibility shall be October 4, 2011.

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

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