

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Athletics

Pursuant to the decision of the Hearing Panel convened for Case 2011-005, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

November 14, 2011
Japan Anti-Doping Disciplinary Panel
Chairman: Toshio Asami

Case 2011-005: Hearing Panel Decision

The Hearing Panel for the captioned case, 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 November 14, 2011.

November 14, 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 (The 5th Japan Youth Athletics Championship held on October 21 through 23, 2011, and The 15th Kanto High School Invitational Rookie Athletics Championship held on October 28 through 30, 2011) shall be disqualified.
- In accordance with Article 10.4 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of two months starting from November 4, 2011.

Reasons:

- The substance “terbutaline” that was detected in in-competition testing is designated as a prohibited substance under “S3. Beta-2 Agonists” 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 said 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, and in accordance with Articles 9, 10.1.1, and 10.8 of the Code, each of the individual competition results for the competition (The 5th Japan Youth Athletics Championship held on October 21 through 23, 2011, and The 15th Kanto High School Invitational Rookie Athletics Championship held on October 28 through 30, 2011) shall be disqualified.
- Furthermore, the detected substance described above 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) and the like submitted by JADA, the athlete himself, and the coach of the Seibudai High School track and field club to which the athlete belongs, the following facts may be found.
 - (1) While the aforementioned detected substance is a substance that is contained in Bricanyl tablets, an oral medicine that was used for treatment by the athlete, the athlete has admitted that it is possible that he took the medicine immediately before the competition, and moreover, no evidence can be found that the athlete introduced into his body a drug or the like that contains said substance other than said oral medicine. Accordingly, it can be argued that it has been proven how the aforementioned detected substance entered the athlete’s body.
 - (2) Meanwhile, it can be argued that the relevant oral medicine was taken in order to treat asthma, and not for the purpose of enhancing the athlete’s sport performance or masking the use of a performance-enhancing substance.
 - (3) In this case there are circumstances on the part of the athlete that should be taken into consideration, such as the fact that the relevant oral medicine was in keeping with a doctor’s prescription, the fact that it was confirmed with the Saitama Sports Association Foundation through the coach of the track and field club to which the athlete belongs and understood that the relevant oral medicine

includes a prohibited substance, the fact that the relevant oral medicine was prescribed notwithstanding the athlete having told the aforementioned doctor that he is an athlete and that it is possible that he will be tested for doping, and the fact that, notwithstanding the athlete having been a minor of the age of sixteen at the time of the competition, guidance concerning doping prevention (in particular the prevention of accidental ingestion of medicines) by persons affiliated with the school to which the athlete belongs was not necessarily sufficient. Furthermore, the athlete and the coach of the track and field club to which he belongs also were aware that there was a low possibility of a therapeutic use exemption (TUE) being allowed.

- (4) However, it is precisely because the athlete fully understood that a prohibited substance is included in the aforementioned oral medicine that he should have maintained it separately from other medicines so that he would not ingest the relevant oral medicine in error, and better yet, he should have taken measures such as consulting with a doctor to obtain a prescription for an alternative medicine, and he can be found to be at fault for not having done so.

In light of the above circumstances and the fact that this violation is a first violation, as a first violation it is proper to impose a two-month period of ineligibility pursuant to Article 10.4 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 November 4, 2011 notice date until the time of the present decision (a provisional hearing was held on November 14, 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 November 4, 2011.

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

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