

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X
Sport: Handball

Pursuant to the decision of the Hearing Panel convened for Case 2012-003, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

August 1, 2012
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2012-003: Hearing Panel Decision

The Hearing Panel for Case 2012-003, 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 August 1, 2012.

August 1, 2012
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 10.4 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of three months starting from July 25, 2012.

Reasons:

- The substance “methylephedrine” (an urine concentration of 18.4 µg/mL) that was detected in in-competition testing (July 4-8, 2012: The Takamatsunomiya Memorial Cup 2nd All Japan Senior Handball Championship) on July 4, 2012 is designated as a prohibited substance under “S6. Stimulants” in the 2012 Prohibited List

International Standard (the “Prohibited List”) in the case that the urine concentration thereof exceeds 10 µg/mL, and thereby 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 abovementioned test results or the process or procedures that led to those results at the provisional hearing or hearing.

- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code.
- Furthermore, the abovementioned detected substance, while on the one hand constituting a “prohibited substance”, also is a “specified substance” under the Prohibited List, which can be found as follows based on the testimony of and the evidence (the outer case of the oral medication taken), etc. submitted by JADA, the Athlete himself, and the relevant parties to the sport governing body:
 - (1) While the abovementioned detected substance is a substance contained in “NEW COUGH-THIN liquid” (*shin-kofuchin-eki*), an oral medication taken by the Athlete as a cough medicine, the Athlete admits that he took this medication on the day prior to the competition event, and no traces can be found for the Athlete to have taken any drug, etc. that contains the abovementioned substance other than such oral medication. Therefore, the method of how the abovementioned substance entered his body is considered as being proved.
 - (2) On the other hand, such oral medication was taken in order to relieve a cough that occurred during transfer by bus requiring a long period of time, and taking into account that the Athlete did not take the medication on the day of the competition event, no purpose to enhance sport performance or purpose to mask the use of a performance-enhancing substance can be found.
 - (3) The Athlete took care not to breach an anti-doping rules when being prescribed with a drug, such as by confirming whether or not the drug prescribed contained prohibited substance, or confirming the “Prohibited List” displayed on the JADA website himself, on a daily basis.
 - (4) However, the Athlete carelessly took this drug in this case, although the salesperson responded that it was unknown as to whether the over-the-counter drug purchased at a pharmacy contained any prohibited substance. Also, although the case of such over-the-counter drug clearly indicated that the drug contained “dl-methylephedrine hydrochloride”, the Athlete is found negligent in that he merely conducted a search using the keywords “dl-methylephedrine hydrochloride” and “methylephedrine hydronchloride” and not

“methylephedrine”, and therefore did not realize that “methylephedrine” was a prohibited substance.

- (5) The sport governing body and the organizer of the competition event should have prepared a system in which an athlete could consult whether an internal medication contained any prohibited substance.

Taking into consideration the circumstances above, as a first violation, it is proper to impose a three-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 July 25, 2012 notice date (a provisional hearing was held on August 1, 2012 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.9.2 of the Code, the commencement date for the three-month period of ineligibility shall be July 25, 2012.

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