

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 2012-004, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

September 28, 2012
Japan Anti-Doping Disciplinary Panel
Chair: Toshio Asami

Case 2012-004: Hearing Panel Decision

The Hearing Panel for Case 2012-004, 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 September 28, 2012.

September 28, 2012
Yoshihisa Hayakawa _____
Katsumi Tsukagoshi _____
Noboru Mesaki _____

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 2, 2012: The 46th Japan Senior Bodybuilding Championships) shall be disqualified, and in accordance with Article 10.8 of the Code, each of the competition results for the competition (September 16, 2012: The 24th Japan Masters Bodybuilding Championships) shall also 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 years starting from September 18, 2012.

Reasons:

- The substance “furosemide” that was detected in In-Competition testing is designated as a prohibited substance under “S5. Diuretics and Other Masking Agents” in The 2012 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 Article 9 and Article 10.1.1 of the Code, each of the competition results for the competition (September 2, 2012: The 46th Japan Senior Bodybuilding Championships) shall be disqualified. Since the Athlete also participated in another competition prior to the September 18, 2012 notice date of provisional suspension, in accordance with Article 10.8 of the Code, each of the competition results for such competition (September 16, 2012: The 24th Japan Masters Bodybuilding Championships) shall also be disqualified.
 - Furthermore, the furosemide 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 written statements, etc. submitted by JADA, the Athlete himself and the managing director of Japan Bodybuilding Federation, each of the following facts can be found with respect to this case.
 - (1) It is reasonably presumed that it is highly possible that “furosemide” was detected this time due to having had taken herbal medicine without knowing that it contained such substance. In this sense, it may be said that the issue of “how a Specified Substance entered his or her body” as set forth in Article 10.4 has been proved.
 - (2) However, although such herbal medicine may also have the purpose of curing insomnia, it was also taken for the purpose of enhancing bodybuilding sport performance by reducing water from the body. It is therefore difficult to conclude that there was no “intent to enhance sport performance or mask the use of a performance enhancing substance” as set forth in Article 10.4.
- For the reasons stated above, the reduction of the period of ineligibility for specific substances as set forth in Article 10.4 may not be granted.
- As for other matters, since it cannot be denied that the Athlete in this case carelessly took herbal medicine purchased via the internet without being given any prescription by a doctor, the reduction of the period of ineligibility due to being

without fault or negligence or significant fault or negligence as set forth in Article 10.5 may not be recognized.

- Taking into consideration the above circumstances as well as the fact that the present violation was a first violation, it has been decided that, 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 provisional suspension pursuant to Article 7.6.1 of the Code from the September 18, 2012 notice date until the time of the present decision (a provisional hearing was held on September 28, 2012 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.4 and Article 10.9.2 of the Code, the Athlete shall be subject to a two-year period of ineligibility from September 18, 2012.

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