

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X  
Sport: Gymnastics / Rhythmic Gymnastics

Pursuant to the decision of the Hearing Panel convened for Case 2012-006, the Japan Anti-Disciplinary Panel has made the following decision with respect to this case.

December 19, 2012  
Japan Anti-Doping Disciplinary Panel  
Chair: Toshio Asami

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Case 2012-006: Hearing Panel Decision

The Hearing Panel for Case 2012-006, 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 December 19, 2012.

December 19, 2012  
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 and Article 10.1.1 of the Code, each of the competition results for the competition (November 16th, 2012 to November 18th, 2012: The 65th All Japan Rhythmic Gymnastics Championship) 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 three months starting from December 10, 2012.

Reasons:

- The substance “methylephedrine” (urine concentration: 23.9  $\mu\text{g}/\text{mL}$ ) that was detected in in-competition testing is, when found in excess of a urine concentration of 10.0  $\mu\text{g}/\text{mL}$ , designated as a prohibited substance under “S6. Stimulants” 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.
- Furthermore, the detected substance above, while on the one hand constituting a “prohibited substance”, also is a “specified substance” under the Prohibited List. Based on the testimony given and the evidence (the oral medication taken as well as the explanatory document of the medical institution in relation thereto), etc. submitted by JADA, the Athlete herself, the Athlete’s mother and the persons associated with the sport governing body, each of the following facts can be found with respect to this case.
  - (1) The detected substance above is a substance contained in “Coughcode-N Combination Tablet”, an oral medication taken by the Athlete immediately before the competition in accordance with a prescription given by a doctor on November 14, 2012, and “Nichicode” which was handed by the persons associated with the sport governing body. The Athlete admits that she took these medications multiple times during the period from immediately before the competition to the day of the competition, and no traces can be found for the Athlete to have taken any medication which contains the substance above other than such oral medications. Therefore, it is recognized that the issue of how the detected substance above entered the body has been proved.
  - (2) On the other hand, such oral medication was taken for the purpose of curing a cold, in particular, to alleviate difficulties in respiration due to coughing, and it is recognized that there was no intent to enhance sport performance nor an intent to mask the use of a performance enhancing substance.
  - (3) The Athlete has previously submitted her whereabouts information as a member of Japan National Team, and took meticulous care when taking medication such as conducting research on the Internet as to whether the medication contained any prohibited substance, and is recognized as having a thorough understanding of anti-doping rules. Regardless of the above, although the symptoms of cold of the Athlete may have been grave in this case, the Athlete can be found to have been at fault in that she carelessly took an oral medication prescribed by a doctor whom she visited for the first time and

with whom she did not consult about anti-doping tests, and in that she carelessly took an oral medication which was not prescribed to the Athlete herself, due to having relaxed her guard as this competition was the last competition event in which she would participate as an active athlete.

- Taking into consideration the above circumstances as well as the fact that the present violation was 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 provisional suspension pursuant to Article 7.6.1 of the Code from the December 10, 2012 notice date until the time of the present decision (a provisional hearing was held on December 19, 2012 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.9.2 of the Code, the Athlete shall be subject to a period of ineligibility starting from December 10, 2012.

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