

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 2013-002, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

September 19, 2013  
Japan Anti-Doping Disciplinary Panel  
Chairman: Toshio Asami

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Case 2013-002: Hearing Panel Decision

The Hearing Panel for Case 2013-002, 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 September 19, 2013.

September 19, 2013  
Takahiro Yamauchi \_\_\_\_\_  
Masahiro Murayama \_\_\_\_\_  
Katsumi Tsukagoshi \_\_\_\_\_

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 (August 11, 2013: The 40th Men's Tohoku Hokkaido Bodybuilding Championships) 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 August 30, 2013.

Reasons:

- The substance “clenbuterol” that was detected in in-competition testing (at the 40th Men’s Tohoku Hokkaido Bodybuilding Championships) conducted on August 11, 2013 is designated as a prohibited substance under “S1.2. Other Anabolic Agents” in The 2013 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 provisional hearing or the hearing.
- Accordingly, the Athlete can be found to have violated Article 2.1 of the Code in this case.
- We therefore consider the possibility of application of Article 10.5 of the Code, which provides for the elimination or reduction of the period of ineligibility based on exceptional circumstances. Based on the testimony of JADA, the Athlete himself, and the persons related to the sports association and the explanation document submitted by the Athlete, the following facts can be found.
  - (1) The Athlete had never undergone a doping test before.
  - (2) From around January of this year, the Athlete experienced health problems such as insomnia and strong fatigue, and was taking sleeping medicine which was prescribed by his family doctor. However, he stopped going to the hospital because he was advised to rest by avoiding training and weight reduction, and to go to another hospital to undergo a detailed medical examination.
  - (3) From around May of this year, the Athlete started experiencing symptoms such as breathlessness and pain in the chest. As a result of an internet search, he gained the understanding that “symptoms of breathlessness occur due to bronchoconstriction by continuous sympathetic strain caused by stress”. The Athlete therefore purchased, through a private import site for overseas medicine recommended by such internet site, and took, spiropent (clenbuterol hydrochloride) of 0.02 mg as medicine to relax the bronchus. Upon making the purchase, he noticed that clenbuterol hydrochloride was contained as an active substance in the abovementioned spiropent, but did not notice that clenbuterol was a prohibited substance (he only noticed this fact immediately prior to this doping test).
- As mentioned above, the Athlete can be found to be in significant fault in that he intentionally took medicine containing a prohibited substance, and privately imported the medicine from overseas without care, and failed to confirm whether or

not such substance was a prohibited substance even though he noticed the active substances. Therefore, we cannot permit the elimination or reduction of the period of ineligibility pursuant to Article 10.5.1 or Article 10.5.2 of the Code in this case.

- Taking into consideration the above circumstances, as a first violation, it is appropriate 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 August 30, 2013 notice date until the time of the present decision (a provisional hearing was held on September 19, 2013 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 August 30, 2013.

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