

Decision of the Japan Anti-Doping Disciplinary Panel

Name of Athlete: X  
Sport: Skating / Figure Skating

Pursuant to the decision of the Hearing Panel convened for Case 2013-003, the Japan Anti-Doping Disciplinary Panel has made the following decision with respect to this case.

October 8, 2013  
Japan Anti-Doping Disciplinary Panel  
Chair: Toshio Asami

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Case 2013-003: Hearing Panel Decision

The Hearing Panel for Case 2013-003, 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 hearings held on September 20, 2013 and October 1, 2013 (collectively, the “Hearing”).

October 8, 2013  
Kazuki Shishido \_\_\_\_\_  
Toshio Asami \_\_\_\_\_  
Masahiro Murayama \_\_\_\_\_

Decision:

- A violation of Article 2.1 of the Code is found to have occurred.
- In accordance with Article 10.4, Article 10.9.1 and Article 10.9.2 of the Code, ineligibility shall be imposed for a period of three months starting from September 12, 2013.

Reasons:

- The substance “furosemide” that was detected in out-of-competition testing conducted on August 2, 2013 is designated as a prohibited substance under “S5. Diuretics and Other Masking 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 (The Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample).
- Furthermore, the substance 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 JADA, the Athlete herself, the Athlete’s mother, and the persons related to the sports association (the officers of the Japan Skating Federation), the documents submitted (a written statement of the Athlete, a written declaration of Mr. Masahiro Oishi, attorney at law and board member of the Japan Skating Federation, etc.), the documents submitted by JADA (the Doping Control Form, etc.), as well as the entire import of the Hearing, the following facts can be found.
  - (1) It is reasonably presumed that the furosemide detected in this case was contained in the substance irregularly taken by the Athlete (approximately once a month) after the Athlete purchased such substance at a local shop, recommended by a sales staff, while travelling in the Republic of Korea prior to fully entering into her present athletic lifestyle, in order to help relieve her symptoms of “edema” which she was conscious of from time to time. This is also evidenced by the facts that no evidences have been submitted evidencing that the Athlete used any substances containing furosemide other than the above, and that there do not exist any particular circumstances that the Athlete made false statements or concealed any facts.
  - (2) It is recognized that the Athlete only took this substance for the purposes of relieving “edema” and not for the purposes of slimming. In this regard, although it remains disputable whether or not it can be said that an athlete participating in an ice dance competition, the Athlete’s sports event, would generally purport to enhance athletic ability by the enjoyment of slimming effects, considering the purpose and frequency of taking this substance claimed

by the Athlete, as well as the fact that the Athlete took this substance without any connection to the sports competition schedule, it is recognized that furosemide was not taken in this case for the purposes of enhancing the athlete's sport performance or masking the use of a performance-enhancing substance, and neither has any specific countervailing claim been raised by JADA.

- (3) The Athlete claims that although when receiving subscription for medication she constantly bore in mind the possibility of violating doping rules and exercised daily a certain degree of care, she was not acutely aware that food and substances purchased from other routes, including supplements, were also subject to doping rules. It cannot be denied that one of the reasons for the violation of doping rules in this case was due to the fact that the Athlete, although a player designated for high performance, had never received systematic anti-doping education or training before. However, the possibility of violation of doping rules through the taking of supplements is something that is repetitively indicated and warned in anti-doping activities conducted in Japan, and the Athlete can be found to be in fault in that she mistakenly considered furosemide to be a supplement and took this without care, even though she was possibly exposed to the information above.
- Taking into consideration the above circumstances, as a first violation, it is appropriate 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 September 12, 2013 notice date until the time of the present decision (a provisional hearing was held on September 20, 2013 concerning the relevant provisional suspension). Accordingly, pursuant to Article 10.9.2 of the Code, the commencement date for the ineligibility shall be September 12, 2013.

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

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