

In the matter of the Canadian Anti-Doping Program;

**And in the matter of an anti-doping rule violation by Graeme Thompson asserted
by the Canadian Centre for Ethics in Sport;**

File Outcome Summary

Summary

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection on July 27, 2019, in Montréal, QC.
2. Mr. Graeme Thompson (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Clenbuterol, a prohibited substance, and Tamoxifen, a specified substance.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Clenbuterol and Tamoxifen, the athlete admitted to the anti-doping rule violation, accepted the proposed sanction and waived his right to a hearing.

Jurisdiction

4. The CCES is an independent not-for-profit organization incorporated under the federal laws of Canada that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the CADP, including providing anti-doping services to national sport organizations and their members.
5. As Canada’s national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code (Code) and its mandatory International Standards. The CCES has implemented the Code and its mandatory International Standards through the CADP, the domestic rules which govern this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. The athlete is a member of Athletics Canada, and participates in the sport of Athletics. According to Part C, Rule 1.3 of the CADP, the CADP provisions apply to all members of, and participants in the activities of, sport organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. Athletics Canada adopted the CADP on December 16, 2014. Therefore, as a member of Athletics Canada and/or as a participant in Athletics Canada sport activities, the athlete is subject to the Rules of the CADP.

Doping Control

7. On July 27, 2019, the CCES conducted an in-competition doping control session in Montréal, QC. Testing was conducted as part of the CCES’ domestic test distribution plan, all pursuant to the CADP.

8. The athlete was notified for doping control and, together with the Doping Control Officer (DCO) from the CCES, completed the sample collection process. The athlete's sample code number was 4408052.
9. On July 27, 2019, the athlete's sample was received by World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

Results Management

10. The adverse analytical finding (AAF) was first received by CCES from the INRS on August 9, 2019. The Certificate of Analysis indicated the presence of Clenbuterol and Tamoxifen.
11. On the 2019 WADA Prohibited List Clenbuterol is classified as a prohibited substance and Tamoxifen is classified as a specified substance.
12. On September 12, 2019, the CCES formally asserted a violation against the athlete for the presence of the two substances reported on the Certificate of Analysis.
13. In accordance with CADP Rule 10.2.2, the standard sanction for an anti-doping rule violation involving the presence of a specified substance (Tamoxifen) is a two (2) year period of ineligibility. However, in accordance with CADP Rule 10.2.1, the standard sanction for the presence of a prohibited substance (Clenbuterol) is a four (4) year period of ineligibility. The CCES therefore proposed a four (4) year sanction in the notification asserting the violation.
14. On September 12, 2019, the CCES imposed a mandatory provisional suspension, on the athlete, pursuant to Rule 7.9.1 of the CADP.
15. On September 12, 2019, the athlete sought to have his provisional suspension lifted and exercised his right to request an expedited provisional hearing in accordance with Rule 7.9.3 of the CADP.
16. On September 15, 2020, Arbitrator Patrice Brunet conducted a provisional hearing and lifted the athlete's provisional suspension in accordance with CADP Rule 7.3.9.1 (d). This result allowed the athlete to participate in training and competitions from September 15, 2019 until the matter could be finally resolved at a Doping Tribunal hearing.
17. On October 10, 2019, the athlete admitted to the anti-doping rule violation in accordance with CADP Rule 10.11.2.
18. On October 10, 2019, the athlete signed a Voluntary Provisional Suspension in accordance with CADP Rule 7.9.5.

19. Subsequently, the CCES received and assessed additional information and evidence provided by the athlete. The evidence evaluated by CCES supported the athlete's claims (first raised during the provisional hearing) that the AAF for Clenbuterol was the result of the athlete's consumption of a contaminated product and was therefore not intentional in accordance with CADP Rule 10.2.2. In accepting the athlete's claim regarding a lack of intention, the CCES considered the following:
- i) Subsequent supplement analysis of products consumed by the athlete, conducted by both the athlete and the CCES on both open and sealed packages of the supplement (sourced separately by the athlete and the CCES), confirmed the presence of small concentrations of Clenbuterol in every package.
 - ii) The supplement product packaging and label contained no reference to either Clenbuterol or Tamoxifen. No internet search linked the supplement consumed by the athlete with either Clenbuterol or Tamoxifen.
 - iii) The analysis conducted by the INRS laboratory satisfied the CCES that the level of Clenbuterol detected in the athlete's sample and reported in the AAF was consistent with the level detected in the supplement product, as well as the claimed timing of the supplement's ingestion.
20. In light of the above, and consistent with the provisional hearing outcome, the CCES accepted that the AAF for Clenbuterol was not intentional. Therefore, the otherwise applicable four (4) year period of ineligibility for the presence of the prohibited substance Clenbuterol was reduced to a two (2) year period of ineligibility in accordance with CADP Rule 10.2.2.
21. The standard sanction for a specified substance (Tamoxifen) is a two (2) year period of eligibility unless the CCES can prove that the athlete used the product intentionally in which case the sanction is four (4) years. During CCES' evaluation of the relevant facts and circumstances of the matter, the CCES did not uncover sufficient evidence that would allow it to prove that the athlete's use of the Tamoxifen was intentional. As such, the sanction proposed by CCES for Tamoxifen would remain at two (2) years.
22. As a result, on May 7, 2020, the CCES issued an amended Notification reducing the proposed sanction to a two (2) year period of ineligibility for both Clenbuterol and Tamoxifen (in accordance with Rule 10.2.2 of the CADP).

Confirmation of Violation and Sanction

23. On May 14, 2020, in response to the CCES' amended Notification, the athlete waived his right to a hearing in accordance to CADP Rule 7.10.1 and accepted the two (2) year period of ineligibility proposed by the CCES.

24. As the athlete accepted a Voluntary Provisional Suspension on October 10, 2019, his two (2) year period of ineligibility commenced on that date and will formally conclude on October 9, 2021.

25. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 29th day of May 2020.



Jeremy Luke
Senior Director, Sport Integrity
CCES