

**DECISION OF THE INTERNATIONAL TENNIS FEDERATION
PURSUANT TO ARTICLE 7.14 OF THE 2021 TENNIS ANTI-DOPING PROGRAMME**

I. Introduction

1. The International Tennis Federation (the **ITF**) is the international governing body for the sport of tennis. Further to its obligations as a signatory to the World Anti-Doping Code (the **Code**) and its responsibilities as custodian of the sport, the ITF has issued the 2021 Tennis Anti-Doping Programme (the **TADP** or the **Programme**), which sets out Code-compliant anti-doping rules applicable to players competing in '**Covered Events**' (as defined in TADP Appendix 1).¹
2. Matilde Paoletti (the **Player**) is an 18-year-old tennis player who is a national of and resident in Italy. She has competed on the Junior and Futures circuits since 2018 and, from 2019, on the ITF World Tennis Tour (in both singles and doubles competitions). When she registered online for an International Player Identification Number (IPIN) in 2013 and subsequent years, the Player expressly agreed to be bound by and to comply with the Programme. By virtue of that agreement, and by virtue of her participation in ITF World Tennis Tour events (which fall within the definition of '**Covered Events**' under the TADP), the Player became bound by and was required to comply with the 2021 TADP.
3. The ITF charged the Player with the commission of an anti-doping rule violation under the TADP and has proposed certain Consequences based on its analysis of the degree of fault that the Player bears for that violation. The Player has admitted the anti-doping rule violation charged and acceded to the Consequences proposed. The ITF therefore issues this decision further to TADP Article 7.14, which provides:

'7.14.1 At any time prior to a final decision by the Independent Tribunal, the ITF may invite the Player or other Person to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences [...]

7.14.2 In the event that [...] the Player or other Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the ITF [...], the ITF will promptly issue a reasoned decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences [...], will send notice of the decision to the Player or other Person and to each Interested Party, and (if applicable) will Publicly Disclose the decision in accordance with Article 8.6.

7.14.3 Any decision issued by the ITF in accordance with Article 7.14.2 that an Anti-Doping Rule Violation has been committed [...] will address and determine (without limitation): (1) the factual basis of the decision that an Anti-Doping Rule Violation was committed; and (2) all of the Consequences to be imposed for such Anti-Doping Rule Violation, including the reasons for imposing the Consequences specified'.

II. The Player's commission of an anti-doping rule violation

4. On 19 July 2021, while competing in the doubles competition at the Palermo Ladies' Open tournament held in Palermo, Italy, from 19 to 25 July 2021 (the **Event**), the Player was required to provide a urine sample for drug testing pursuant to the TADP. The Player was 18 years old at the time. The sample she provided was assigned reference number 3166205 and split into an A

¹ Any term in this Decision that begins with a capital letter and is not otherwise defined in this Decision has the meaning given to it in the Programme.

sample and a B sample, which were sealed in tamper-evident bottles and transported to the WADA-accredited laboratory in Montreal (the **Laboratory**) for analysis. The Laboratory detected in the A sample the presence of a metabolite of clostebol, at an estimated concentration of 0.05 ng/mL. Clostebol is an anabolic agent prohibited in-competition under Section S1.1 of the 2021 WADA Prohibited List in the category of Anabolic Androgenic Agents. It is not a Specified Substance. The Player did not have a Therapeutic Use Exemption permitting use of clostebol.

5. The Adverse Analytical Finding reported by the Laboratory in respect of the A sample was considered by an independent Review Board in accordance with TADP Article 7.4. The Review Board did not identify any apparent departures from the applicable sample collection or sample analysis procedures that could have caused this Adverse Analytical Finding, and therefore decided that the Player had a case to answer for breach of TADP Article 2.1 and/or TADP Article 2.2.
6. Accordingly, on 28 August 2021, the ITF sent the Player a pre-charge Notice explaining that a metabolite of clostebol was present in her Sample collected on 19 July 2021 and that she may therefore have committed anti-doping rule violation(s) under TADP Article 2.1 (presence of a Prohibited Substance in her sample) and/or TADP Article 2.2 (Use of a Prohibited Substance). On 6 September 2021 the Player replied, notifying the ITF that she denied the possible anti-doping rule violations pending analysis of the B sample.
7. Given that clostebol is not classified as a Specified Substance under the TADP, the Player was subject to a mandatory provisional suspension under TADP Article 7.12.1, which came into effect on 7 September 2021.
8. The Laboratory subsequently analysed sample B3166205, and reported on 9 September 2021 that it had detected the presence of a metabolite of clostebol, which confirmed the Adverse Analytical Finding made in respect of the A sample.
9. On 14 September 2021, the ITF formally charged the Player with the commission of anti-doping rule violations under TADP Articles 2.1 and/or 2.2. TADP Article 2.1 is a strict liability offence that is established simply by proof that a Prohibited Substance was present in the sample, i.e., the ITF does not have to prove how the substance got into the Player's system or that the Player took the substance intentionally (or even knowingly).
10. On 4 October 2021, the Player replied to the Charge Letter, accepting that a metabolite of clostebol was present in her sample, and therefore admitting that she had committed the TADP Articles 2.1 and/or 2.2 anti-doping rule violations with which she was charged, but denying intentional ingestion of clostebol.

III. Consequences

III.A Period of Ineligibility

(a) How the clostebol got into the Player's system

11. In her initial response (on 6 September 2021) to the pre-charge Notice, the Player asserted that she did not intend to cheat but could not at that time provide any explanation for the presence of a metabolite of clostebol in her urine sample, and requested more time to carry out further investigations.
12. Subsequently, in her response (on 4 October 2021) to the Charge Letter, the Player asserted that she had not intentionally ingested clostebol, and investigations had revealed that the Adverse

Analytical Finding must have been caused by inadvertent transdermal absorption of clostebol through prolonged contact with the family dog (eg, cuddling it, stroking it, and sleeping alongside it at night), since the dog had – without the Player’s knowledge – been treated by the Player’s mother in the days before sample collection with ‘Veterabol’, a veterinary medication in spray form that contains clostebol.

13. In support of that explanation, the Player submitted an expert report (the **First Expert Report**) authored by Professor Alberto Salomone (Forensic Toxicologist, Associate Professor at the University of Turin, Laboratory Supervisor at the Centro Regionale Antidoping e di Tossicologia A. Bertinaria in Turin, Italy) and Dr Andrea Lazzarini (Forensic Toxicologist at the CRABioN Research Center in Perugia, Italy) (the **Player’s Experts**).

- 13.1 The First Expert Report detailed the results of analyses conducted on a hair sample taken from the Player on 1 September 2021. The eight centimetres of hair closest to the scalp was split into eight one-centimetre segments, each – based on an assumed growth rate of one centimetre per month – corresponding to one of the eight months prior to the hair sample being taken. The analyses conducted on each hair segment returned negative results for clostebol, clostebol metabolite, and clostebol acetate (with the limit of detection at 2 pg/mg, 1 pg/mg, and 1 pg/mg, respectively). Based on those analyses, the Player’s Experts concluded it was ‘**extremely unlikely**’ that the Player was exposed to substantial doses of clostebol (which would be required for effective intentional doping) in the period between January 2021 and August 2021.

- 13.2 In addition, the First Expert Report set out scientific literature demonstrating that clostebol can be dermatologically absorbed by one person following physical contact with a second person, whose skin has recently been treated with a cream containing clostebol, and based on data from that literature the Player’s urine sample results and hair sample results were ‘**consistent**’ with inadvertent exposure to clostebol in the manner asserted by the Player.

14. The ITF forwarded the case file to the Chair of the Independent Panel to appoint an Independent Tribunal to hear the matter. The ITF and the Player agreed a timetable for the exchange and submission of legal submissions and further evidence and the hearing of the matter, and that timetable was approved by the Chair of the appointed Independent Tribunal.

15. On 22 November 2021, the Player filed a defence brief (the **Defence**), including written statements from the Player, her mother, and a veterinary surgeon; and photographs and various receipts and documents relating to treatment of the family dog in June 2021. The Defence set out the Player’s explanation for the Adverse Analytical Finding:

- 15.1 On 3 June 2021, the Player’s family dog (a small chihuahua) was prescribed Veterabol spray by a veterinary surgeon who had been treating the dog for skin abrasions caused by mild dermatitis. The Player’s mother, who takes care of the dog’s health and other needs, purchased Veterabol from a pharmacy in Perugia (close to the family home) on 6 June 2021 and sprayed the product onto the dog’s skin wounds as directed. Soon afterwards, the wounds healed successfully.

- 15.2 On 25 June 2021, the dog was hospitalised for three days with serious gastroenteritis, and underwent a series of tests and intravenous therapies. On 28 June 2021, the dog was re-admitted to hospital for two further days with the same serious condition. The dog recovered and, on 8 July 2021, underwent a further blood test during a check-up appointment. The venepuncture aggravated the dog’s other puncture wounds sustained

during the hospital stay. The wounds, which were also aggravated by persistent licking and scratching by the dog, were not healing.

- 15.3 Unknown to the player, twice each day on 16, 17, and 18 July 2021, the Player's mother administered sprays of Veterabol to the dog's wounds to help them heal. On 19 July 2021, the Player competed in the Event and provided the sample that was subsequently found to contain the metabolite of clostebol, which finding must have been caused by inadvertent contamination from the Player's interactions with the dog in the preceding days.
16. The ITF reviewed the Defence and supporting evidence and concluded that the Player had not met her burden to demonstrate that the source of the clostebol in her urine sample was inadvertent contamination caused by contact with the family dog. While recognising the science potentially supported the Player's explanation, the ITF informed the Player (on 26 November 2021) that it required further specific factual and scientific evidence before it could be satisfied that the Player had met her burden to demonstrate the source of the clostebol metabolite was as asserted, and asked the Player to provide such further evidence as she could obtain in support of that explanation.
17. On 3 December 2021, the Player provided further statements and documents in support of her explanation, including:
 - 17.1 a second statement from the Player's mother, who confirmed that:
 - 17.1.1 she is solely responsible for the dog's health, vaccinations, hygiene, and nutrition;
 - 17.1.2 on 16 July 2021, having noticed that the dog's small wounds were not healing and given that the treatment with Veterabol on the dog's previous wounds had been so effective the previous month, she decided to apply some of the remaining Veterabol spray to the wounds that were not healing;
 - 17.1.3 she applied two sprays of Veterabol for about two seconds to the wounds on the dog's paw at around 7 am and then again at around 7 pm on each of 16, 17, and 18 July 2021 (and left the wounds uncovered to promote healing);
 - 17.1.4 the treatment was applied in her en-suite bathroom, where she stores all of the dog's health and hygiene products; and
 - 17.1.5 she wouldn't expect the Player to have known about the dog's treatment with Veterabol because the Player's mother did not tell the Player about or involve her in the administration of the treatment, and because the administrations typically took place at a time that the Player was either asleep in bed (7 am) or out of the house with friends (7 pm) (and if the Player had have been in the house and awake at the relevant time, the Player's mother administered the Veterabol alone in her en-suite bathroom);
 - 17.2 a second statement from the Player, who confirmed that:
 - 17.2.1 while her family home is in Perugia, Italy, she mostly lives at the Comitato Olimpico Nazionale Italiano (**CONI**) training centre in Formia, Italy (and was staying in Formia during the course of June 2021);

- 17.2.2 on 24 June 2021, the Player flew from Rome, Italy, to London, United Kingdom, to compete in a junior tournament at Roehampton (29 June to 4 July 2021) and the Junior Championships at Wimbledon (5 to 10 July 2021);
 - 17.2.3 on 10 July 2021, she flew from London to Rome, attended a medical appointment, and then was driven by her coach to her family home in Perugia for an extended period of rest having sustained a muscle injury during the Wimbledon tournament;
 - 17.2.4 between 10 and 18 July 2021, she spent her time in Perugia resting, doing physiotherapy exercises and meeting her friends in the daytime, returning home for dinner in the evenings;
 - 17.2.5 during that period, in the mornings she would often pick up, cuddle and play with the family dog; in the evenings she would sit on the sofa and watch television with the dog sitting on her lap; and each night the dog would sleep beside her in bed;
 - 17.2.6 on 18 July 2021, she departed the family home at around 8 am to travel to Palermo to play in the Event (and before she left the house, cuddled the dog while saying her goodbyes);
 - 17.2.7 she was unaware in June 2021 that the dog had been treated with Veterabol for dermatitis, and was unaware in July 2021 that her mother was treating the dog with Veterabol between 16 and 18 July 2021 (although she was aware of the existence of the dog's small wounds but did not consider them significant, especially since the dog had been in a life-threatening situation during its stay in hospital at the end of June 2021); and
 - 17.2.8 her mother is responsible for all matters relating to the dog's care, and the Player only became aware that the dog had been treated with Veterabol (or any medication) during the time she had been in Perugia in July 2021 following her receipt of the Notice from the ITF, when she sought to locate the source of the clostebol in her sample; and
- 17.3 a second report by the Player's Experts, dated 1 December 2021 (the **Second Expert Report**), in which they (i) noted that Veterabol contains 0.5 grams of clostebol dissolved in 100 ml of liquid and according to the instructions should be sprayed on a wound for 1-2 seconds each time; (ii) assumed (reasonably and cautiously, in their opinion) that each application would nebulize between 0.1 ml and 1 ml of liquid, which would therefore contain between 0.5 mg and 5 mg of clostebol; (iii) considered the data from published studies measuring clostebol found in the urine of volunteers who had shaken hands with other volunteers who had, 30 minutes previously, applied 5 mg clostebol cream to their hands; and (iv) concluded that it is 'highly likely' that the finding of 0.05 ng/mL of a metabolite of clostebol in the Player's urine sample was caused by the Player's contact (on one or more occasions in the three days before sample collection) with the dog after it had been treated with the Veterabol spray.
18. The ITF consulted Professor Christiane Ayotte, Director of the Laboratory, who noted that the repeated treatment with clostebol administered by spray to the Player's dog on the dates and in the quantities asserted by the Player could explain the Adverse Analytical Finding.
 19. The ITF has reviewed all of the detailed evidence provided by the Player and obtained expert evidence in respect of the relevant issues arising. Based on all of that evidence, and in the unique

and exceptional circumstances of this case, the ITF accepts the Player has established that it is more likely than not that the presence of clostebol found in her urine sample 3166205 was due to inadvertent transdermal absorption of clostebol on 16, 17, and/or 18 July 2021 following physical contact with her family dog, which was, unknown to the Player, being treated on those days with Veterabol spray (which contains clostebol).

(b) TADP Article 10.2

20. This is the Player's first doping violation.²
21. TADP Article 10.2.1 specifies that a TADP Article 2.1 violation that is 'intentional' and is a first offence attracts a mandatory four-year ban. If the prohibited substance in question is classified as a non-Specified Substance (as here), TADP Article 10.2.1 also specifies that the player has the burden of proving that the violation was not 'intentional'. If the player can do so, then TADP Article 10.2.2 provides for a two-year period of ineligibility, subject to mitigation. TADP Article 10.2.3 explains that in this context 'the term 'intentional' is meant to identify those Players or other Persons who engage in conduct that they knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk'. The jurisprudence is clear that what counts in this context is what the Player actually knew, not what she should have known.³
22. Since the ITF has accepted that the Player has shown it was more likely than not that the presence of clostebol in her sample was due to inadvertent transdermal absorption of clostebol caused by physical contact in the days before the sample was collected with the family dog, which was – unknown to the Player – having administered to its skin a medicative spray containing clostebol, the ITF accepts that the Player has met her burden of demonstrating that her commission of the violation was not 'intentional' within the meaning of TADP Articles 10.2.1 and 10.2.3. The two-year period of ineligibility prescribed by TADP Article 10.2.2 therefore applies, subject to possible reduction in accordance with TADP Article 10.5 or Article 10.6.

(c) TADP Articles 10.5 and 10.6

23. In order to get the sanction eliminated or reduced below two years, the Player must show that she bears 'No Fault or Negligence' for the violation under TADP Article 10.5, or (alternatively) that she bears 'No Significant Fault or Negligence' for the violation under TADP Article 10.6.
24. TADP Article 10.5 provides that if a player establishes that she bears No Fault or Negligence for the anti-doping rule violation in question, the otherwise applicable period of ineligibility will be eliminated. No Fault or Negligence is defined in the TADP as follows: 'The Player or other Person establishing that they did not know or suspect, and could not reasonably have known or

² While the Player has committed two anti-doping rule violations, TADP Article 10.9.4.1 confirms they should be treated as one violation for the purposes of sanction because the Player did not receive notice of the second violation after having received notice of the first violation.

³ ITF v Sharapova, Independent Tribunal decision dated 6 June 2016, para 77 ('It is clear from the wording of article 10.2.3 that whether conduct is intentional is to be judged on the actual knowledge of the player, not on the basis of what she ought to have known or understood') and para 71 ('the concession that the player did not know that she was taking a Prohibited Substance resolves both elements of article 10.2.3. On neither basis was the conduct of the player intentional').

suspected even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule'.

25. TADP Article 10.6.2 provides that where TADP Article 10.6.1 (in relation to Specified Substances or Contaminated Products or Protected Persons and Recreational Athletes) does not apply, if a player can establish that they bear No Significant Fault or Negligence for the presence of the Prohibited Substance in their system, then the otherwise applicable two-year period of ineligibility may be reduced by between 0 and 12 months (i.e., by up to 50%). No Significant Fault or Negligence is defined in the TADP as follows: 'The Player or other Person establishing that their Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Anti-Doping Rule Violation'. Where No Significant Fault or Negligence is found, the amount of reduction to be given depends upon the degree of the player's Fault.
26. A plea of No Fault or Negligence or No Significant Fault or Negligence is assessed by considering how far the player departed from their duty under the TADP to use 'utmost caution' to ensure that they would not ingest any prohibited substances or otherwise do anything that might constitute or result in the commission of an anti-doping rule violation.⁴ 'The difference between the two [...] is one of degree: to establish No Fault or Negligence, the athlete must show that he took every step available to him to avoid the violation, and could not have done any more; whereas to establish No Significant Fault or Negligence, he must show that, to the extent he failed to take certain steps that were available to him to avoid the violation, the circumstances were exceptional and therefore that failure was not significant'.⁵
27. The Player asserted in her initial response to the Charge Letter, the Defence, and subsequent correspondence that her violation was committed inadvertently and without intent, and without any fault or negligence on her part.
28. The ITF accepts, in the exceptional circumstances of this case and in light of all of the evidence provided by the Player, that the Player acted with No Fault or Negligence in relation to her violation because she has established that she did not know or suspect and could not reasonably have known or suspected even with the utmost caution that she had used clostebol or was at risk of ingesting clostebol simply by cuddling, interacting with, and sleeping next to the family dog. In particular, the Player was not aware that the dog was being treated with Veterabol (containing clostebol) and had no reason to suspect that this treatment was taking place in the days leading up to sample collection. Given the Player was not aware that her mother was applying Veterabol (or any medication or treatment) to the family dog, nor was she aware that the dog continued to require any treatment or medication at all, the ITF accepts that the Player could not reasonably have known or suspected even with the exercise of utmost caution that simply by interacting with the family dog in her usual manner the Player would be exposing herself to the risk of contamination with a prohibited substance. The Player did not engage in

⁴ See, e.g., Kutrovsky v ITE, CAS 2012/A/2804, para 9.49 ('the athlete's fault is measured against the fundamental duty that he or she owes under the Programme and the WADC to do everything in his or her power to avoid ingesting any prohibited substance'); FIFA & WADA, CAS 2005/C/976 & 986, paras 73-75 ('The WADC imposes on the athlete a *duty of utmost caution* to avoid that a prohibited substance enters his or her body. [...] It is this standard of utmost care against which the behaviour of an athlete is measured if an anti-doping violation has been identified').

⁵ IBAF v Luque, IBAF Anti-Doping Tribunal decision dated 13 December 2010, para 6.10.

any behaviour that could be said to be risky in the sense of exposing her to the possibility of ingesting a prohibited substance.⁶

29. Where a finding of No Fault or Negligence is made, TADP Article 10.5 provides that any otherwise applicable period of Ineligibility shall be eliminated entirely. Therefore, the Player's provisional suspension is lifted with immediate effect, and she will not serve any period of Ineligibility for her violation.

III.B Disqualification of results

30. The Player's results in the women's doubles Competition at the Event are automatically disqualified in accordance with TADP Article 9.1 (including forfeiture of any medals, titles, ranking points and Prize Money received as a result of participation in that event).
31. The Player competed in one Competition between the date of Sample collection (19 July 2021) and the date of her provisional suspension under TADP Article 7.12.1, which came into effect on 7 September 2021. While the general rule is that results obtained by the Player in that period will be disqualified pursuant to TADP Article 10.10, the ITF accepts that in the specific circumstances of this case (in particular that the Player was not exposed further to the source of the clostebol after (at the latest) 18 July 2021, the estimated concentration of the metabolite of clostebol in the Player's sample collected on 19 July 2021 was low, and it was over one month later before the Player next competed) fairness requires otherwise, and so the Player will retain the result obtained between the date of Sample collection and the date of her provisional suspension.

III.C Costs

32. Each party shall bear its own costs of dealings with this matter.

III.D Publication

33. In accordance with TADP Articles 7.14.2 and 8.6, this decision will be publicly reported by being posted (in full and/or summary form) on the ITF's website.

III.E Acceptance by the Player

34. The Player has accepted the consequences proposed above by the ITF for her anti-doping rule violation, and has expressly waived her right to have those consequences determined by the Independent Tribunal at a hearing.

IV. Rights of appeal

35. This decision constitutes the final decision of the ITF, resolving this matter pursuant to TADP Article 7.14.
36. Further to TADP Article 13.2, each of WADA and CONI has a right to appeal against this decision to the CAS in Lausanne, Switzerland, in accordance with the procedure set out at TADP Article 13.9.

⁶ CCES v Barber, SDRCC Doping Tribunal decision dated 11 August 2016, para 37.

37. As part of this resolution of the matter, the Player has waived her right to appeal against or otherwise challenge any aspect of this decision (both as to the finding that the Player has committed an anti-doping rule violation and as to the imposition of the Consequences set out above), whether pursuant to TADP Article 13.2 or otherwise. However, if an appeal is filed with the CAS against this decision either by WADA or CONI, the Player will be entitled (if so advised) to exercise her right of cross-appeal in accordance with TADP Article 13.9.4.

London, 17 December 2021