

**DECISION OF THE INTERNATIONAL TENNIS FEDERATION  
PURSUANT TO ARTICLE 7.14 OF THE 2023 TENNIS ANTI-DOPING PROGRAMME**

**I. Introduction**

1. The International Tennis Federation (**ITF**) is the international governing body for the sport of tennis and signatory of the World Anti-Doping Code (**Code**). The ITF issued the 2021 Tennis Anti-Doping Programme (the **TADP** or the **Programme**),<sup>1</sup> which sets out Code-compliant anti-doping rules applicable to players competing in Covered Events.<sup>2</sup>
2. Angelina Zhuravleva (the **Player**) is a 26-year-old tennis player from Russia. She achieved a career-high WTA singles ranking of 627. By virtue of (among other things) her WTA ranking and participation in Covered Events in 2021, the Player was bound by and required to comply with the TADP. When she registered online for an International Player Identification Number (IPIN) in 2010 and in subsequent years, the Player expressly agreed to be bound by and to comply with the TADP. By virtue of that agreement, and by virtue of her participation in Covered Events, the Player became bound by and was required to comply with the TADP.
3. The ITF charged the Player with the commission of an Anti-Doping Rule Violation 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 2023 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) asserted and accede to specified Consequences [...]

7.14.2 In the event that the Player or other Person admits the Anti-Doping Rule Violation(s) asserted and accedes to 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 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, and in particular the reasons for exercising any discretion not to impose the full Consequences available under this Programme.’

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<sup>1</sup> The facts in issue arose in 2021, and therefore the 2021 edition of the TADP applies to substantive matters, whereas the current 2023 edition of the TADP applies to procedural matters. As from 1 January 2022, the ITF has delegated all aspects of Doping Control and Education to the International Tennis Integrity Agency, except for matters arising prior to that date (which includes Results Management in respect of this case).

<sup>2</sup> Any term that begins with a capital letter and is not otherwise defined in this Decision has the meaning given to it in the Programme.

## II. The Player's commission of an Anti-Doping Rule Violation

4. On 24 November 2021, while competing at the Women's World Tennis Tour W15 Kazan event held in Kazan, Russia (the **Event**), the Player was required to provide a urine sample for drug testing pursuant to the TADP. The sample she provided was given reference number 3169869 and split into an A 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.
5. The Laboratory detected the presence in sample A3169869 of a metabolite of arimistane (7b-hydroxy-androsta-3,5-dien-17-one). Arimistane is an aromatase inhibitor banned at all times under Section S4.1 (Hormone and Metabolic Modulators) of the 2021 WADA Prohibited List.<sup>3</sup> Arimistane is a Specified Substance.
6. The Adverse Analytical Finding 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 and sample analysis procedures that could have caused these Adverse Analytical Findings. It therefore decided that the Player had a case to answer for breach of TADP Articles 2.1 (Presence) and/or 2.2 (Use).
7. Accordingly, on 12 January 2022, the ITF sent the Player a (pre-charge) Notice, notifying her that she may have committed Anti-Doping Rule Violations under TADP Articles 2.1 and/or 2.2. Given that arimistane is classified as a Specified Substance under the TADP, the Player was not subject to a mandatory provisional suspension under TADP Article 7.12.1. However, she later accepted a voluntary provisional suspension (see paragraph 9, below).
8. On 20 January 2022, the Laboratory confirmed the presence of a metabolite of arimistane (7b-hydroxy-androsta-3,5-dien-17-one) in sample B3169869.
9. On 28 January 2022, in her preliminary response to the (pre-charge) Notice, the Player denied the charge and disputed the Consequences, but also accepted a voluntary provisional suspension. The Player did not have an explanation for how arimistane entered her system and requested additional time from the ITF to conduct her own investigation into any medications or supplements that she ingested prior to sample collection.
10. On 1 February 2022, the ITF sent the Player a Charge Letter, formally charging her 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 Player's 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).
11. On 6 February 2022, the Player replied to the Charge Letter, denying the charge and disputing the Consequences. The Player identified one supplement ('S-Women vitamins' manufactured by Red Star Labs, the **Supplement**) as the possible source because it was the only new product that she had started using within a month of the Adverse Analytical Finding. The Player requested the ITF's assistance in arranging testing of that supplement.
12. On 10 February 2022, the ITF offered to make arrangements for the Supplement to be tested by the WADA-accredited laboratory in Montreal (the **Laboratory**) at the Player's cost. The ITF also requested that the Player provide purchase receipts for the Supplement.

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<sup>3</sup> Arimistane is also included on the 2022 and 2023 WADA Prohibited Lists.

13. On 16 February 2022, the Player agreed to the proposed testing and provided a copy of her purchase receipt. The ITF subsequently provided the Player with the Laboratory's postal details.
14. On 28 March 2022, having not received any response or update from the Player regarding the shipping of the Supplement bottle, the ITF informed the Player that the case would proceed on the basis that the Supplement will not be analysed if she did not respond by the specified deadline.
15. On 29 March 2022, the Player responded to the ITF, explaining that she was facing significant challenges in shipping the Supplement bottle to the Laboratory due to FedEx having ceased all its activities in the territory of Russia and DHL, the only company that could deliver parcels from Russia at the time, refusing to deliver products with open (or damaged) packaging on the grounds that there was no guarantee the content would be legal for transportation.
16. On 7 April 2022, the ITF advised the Player that she should seek assistance from the Russian Anti-Doping Agency (**RUSADA**) to arrange shipment of the Supplement bottle to the Laboratory.
17. On 17 May 2022, the ITF inquired with the Player as to whether any progress had been made. The Player responded on 30 May 2022, confirming that RUSADA was in a position to assist, but that it required a direct instruction from the ITF, which was provided.
18. RUSADA assisted in sending the Supplement to the Laboratory, although the shipping process took several months. The Supplement was received by the Laboratory on 14 October 2022.
19. On 25 November 2022, the Player confirmed that she had transferred payment for the Supplement testing.
20. On 13 December 2022, the ITF put various further questions to the Player regarding the details of her purchase and ingestion of the Supplement.
21. On 18 December 2022, the Player responded to the ITF's questions by providing (among other things): (i) details regarding the sports nutrition store where she purchased the Supplement, (ii) details regarding other products she purchased at the store (Omega-3 1000 mg tablets), (iii) the cost of the Supplement, (v) a statement from her own bank records confirming the date of purchase and amount spent, (vi) a duplicate sales receipt from the store, (vii) a sales slip from the store showing her purchase, (viii) when and how she ingested the Supplement (one tablet daily in the morning, starting from 27 October 2021), and (ix) the steps she took to confirm that the Supplement did not contain any prohibited substances.
22. On 25 January 2023, the Laboratory issued a report setting out the results of the Supplement testing, which identified the presence of arimistane in all tablets tested (see paragraph 25).
23. On 2 February 2023, the Player formally admitted the Anti-Doping Rule Violation charged.

### **III. Consequences**

#### **A. Period of Ineligibility**

##### **(i) How arimistane got into the Player's system**

24. The Player asserted that her positive test was caused by her use of the Supplement, which she purchased from a sports nutrition store in Moscow, Russia. In particular, she asserts that she was previously using a similar supplement called 'Opti-Women', but that when she went to purchase

that product again, the store assistant recommended that she purchase the Supplement (S-Women vitamins) instead.

25. The ITF has carefully reviewed all of the evidence in this matter and investigated the source of the positive test. In the specific circumstances of this case, the ITF accepts that the Player has established that it is more likely than not that the presence of arimistane metabolite found in her urine sample 3169869 was due to the presence of arimistane in the Supplement that she consumed daily in the month prior to sample collection. The ITF has reached this conclusion on the basis that the Laboratory detected arimistane in each of the 12 tablets tested (which were taken from the supplement bottle used by the Player) at varying concentration levels, ranging from 1-22 µg. While it is not possible to establish when or how arimistane came to be in the tablets, whether during manufacturing or after, arimistane was detected in each of the tablets tested and (as set out in the Laboratory's report) *'it is well-known that a contamination occurring at the manufacturing phase leaves variable amounts in the final tablets'*. The Player also provided various pieces of evidence to establish proof of purchase, and the ITF confirmed that the product is available at the store in issue. The ITF also accepts the Player's explanation that she mistakenly declared 'Multivitamins OPTI WOMEN' on her doping control form, as she had only recently switched to using S-Women vitamins after using Opti Women for a long period of time.

**(ii) TADP Article 10.2**

26. This is the Player's first Anti-Doping Rule Violation.
27. In order to calculate the relevant period of Ineligibility, TADP Article 10.2.1 specifies that a TADP Article 2.1 violation that is 'intentional' attracts a mandatory four-year ban. If the Prohibited Substance in question is classified as a Specified Substance (as here), TADP Article 10.2.1.2 also specifies that the ITF has the burden of proving that the violation was 'intentional'. If the ITF cannot discharge that burden, 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 as 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.<sup>4</sup>
28. Based on the facts of this case, the ITF does not assert that the Player's violation was 'intentional' within the meaning of TADP Articles 10.2.1 and 10.2.3. The period of Ineligibility prescribed by the application of TADP Article 10.2.2 (two years) therefore applies, subject to a possible reduction in accordance with TADP Article 10.5 or 10.6.

**(iii) TADP Articles 10.5 and 10.6**

29. For the sanction to be eliminated or reduced below two years, the Player must show that she bears No Fault or Negligence under TADP Article 10.5, or (alternatively) that she bears No Significant Fault or Negligence for the violation under TADP Article 10.6.

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<sup>4</sup> [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').

30. 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 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.'
31. TADP Article 10.6.1.2 provides that where the player can establish that she bears No Significant Fault or Negligence and that the prohibited substance came from a Contaminated Product, then the otherwise applicable two-year period of Ineligibility may be reduced by up to 100% (in which case there would be a reprimand only). A 'Contaminated Product' is defined in the TADP as a 'product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search'. The definition of No Significant Fault or Negligence is: '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'. If No Significant Fault or Negligence is found, the amount of reduction to be applied depends on the degree of the Player's Fault.
32. It is a precondition of any mitigation of a sanction for No (or No Significant) Fault or Negligence that the Player proves on the balance of probabilities<sup>5</sup> how the Prohibited Substance(s) found in their Sample entered their system.<sup>6</sup> As detailed above, the ITF accepts that the Player has met that burden on the facts of this case.
33. 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.<sup>7</sup> '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'.<sup>8</sup>

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<sup>5</sup> See TADP Article 3.1.2 ('Where this Programme places the burden of proof on the Player or other Person alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish facts or circumstances, then except as provided in Articles 3.2.4 and 3.2.5 the standard of proof will be by a balance of probability').

<sup>6</sup> See definitions of 'No Fault or Negligence' and 'No Significant Fault or Negligence' ('[...] Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1 the Player must also establish how the Prohibited Substance entered their system').

<sup>7</sup> See, e.g., Kutrovsky v ITF, 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').

<sup>8</sup> IBAF v Luque, IBAF Anti-Doping Tribunal decision dated 13 December 2010, para 6.10.

34. The standard of 'utmost caution' is very onerous and requires a player to show that she 'made every conceivable effort to avoid taking a prohibited substance'.<sup>9</sup> It follows that 'even in cases of inadvertent use of a Prohibited Substance, the principle of the Athlete's personal responsibility will usually result in a conclusion that there has been some degree of fault or negligence'.<sup>10</sup>
35. The Player (rightly) does not plead that she bears No Fault or Negligence for her violation. That is consistent with the comment to Code Article 10.5, which is clear that a plea of No Fault or Negligence cannot succeed in the case of 'a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination'.
36. However, the Code comment to Article 10.5 quoted above goes on to say: 'depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence'.
37. In the specific circumstances of this case, the ITF accepts that the Player bears No Significant Fault or Negligence within the meaning of TADP Article 10.6.1 on the basis that she purchased the Supplement from what appeared to be a reputable nutrition store, she informed the store assistant that she was a professional tennis player subject to anti-doping rules, she reviewed the list of ingredients on the Supplement bottle label against the WADA Prohibited List before ingesting the Supplement, and she could not have known (except through laboratory testing) that the Supplement contained the undisclosed ingredient arimistane.
38. Based on the facts set out above, the ITF accepts that the source of the Player's positive test is a Contaminated Product. There is therefore discretion to reduce the default two-year ban applicable by up to 24 months, depending on the Player's level of fault (see Article 10.6.1.2). Taking account of the bans imposed in other recent tennis cases involving contaminated supplements, and the specific facts of this case, the ITF has proposed, and the Player has acceded to, a period of Ineligibility of 12 months.
39. In accordance with TADP Article 10.13.2, the Player will receive credit for the period of the provisional suspension that she has served since 28 January 2022. As a consequence, the Player will have no period of ineligibility to serve going forward. However, before being eligible to return to competition, the Player must first comply with the conditions of reinstatement set out at TADP Article 10.16.

## **B. Disqualification of results**

### **(i) Singles results at the Event**

40. The Player's singles results at the Event are automatically disqualified in accordance with TADP Articles 9.1 and 10.1, including forfeiture of any medals, titles, ranking points, and prize money received as a result of participation in the Event.

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<sup>9</sup> [Knauss v FIS](#), CAS 2005/A/847, para 7.3.1; [WADA v NSAM et al](#), CAS 2007/A/1395, para 80 ('The burden is therefore shifted to the athlete to establish that he/she has done all that is possible to avoid a positive testing result').

<sup>10</sup> [Adams v CCES](#), CAS 2007/A/131, para 155.

**(ii) Doubles results at the Event**

41. Any doubles results obtained by the Player and her doubles partner at the Event will also be disqualified in accordance with TADP Article 9.2, including forfeiture of any medals, titles, ranking points, and prize money (€486) received as a result of participation in the Event.

**(iii) Subsequent results after the date of sample collection**

42. In accordance with TADP Article 10.10, any other results obtained by the Player in Competitions after the date of sample collection until the start of her provisional suspension (on 28 January 2022) will also be disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money).
43. The results of any doubles partners at those subsequent competitions will not be disqualified, in accordance with TADP Article 9.2.3.

**C. Costs**

44. Each party will bear its own costs in relation to this matter.

**D. Publication**

45. 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.

**E. Acceptance by the Player**

46. 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**

47. This decision constitutes the final decision of the ITF, resolving this matter pursuant to 2023 TADP Article 7.14.
48. Further to 2023 TADP Article 13.2.1, each of WADA and the Russian Anti-Doping Agency (**RUSADA**) has a right to appeal against this decision to the CAS in Lausanne, Switzerland, in accordance with the procedure set out at 2023 TADP Articles 13.8 and 13.9.
49. 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 2023 TADP Article 13.2.1 or otherwise. However, if an appeal is filed with the CAS against this decision either by WADA or RUSADA, the Player will be entitled (if so advised) to exercise her right of cross-appeal in accordance with 2023 TADP Article 13.9.4.

London, 13 March 2023