



International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(the *Applicant*)

Versus

Mr. Bruno PINHEIRO CARRA
(the *Respondent*)

The case is heard in front of the Hearing Body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and
Mr. Badrul Amini Rashid, Mr. Joseph de Pencier, and Ms. Kate Rogowiec; Members of the
IPC Anti-Doping Committee (together with the Chairperson, the *Hearing Body*, the same
hearing body that heard the case on the provisional suspension)

The Hearing was conducted on 4 September 2012 at 10:30 a.m. BST in person at the IPC
meeting room on the second floor of the NPC Services Centre, London 2012 Paralympic
Village, London, England.

International Paralympic Committee
Polyclinic - 2nd Floor
Paralympic Village
London, United Kingdom
Tel. +44-(0)77-140-73126

E-mail: peter.vandevliet@paralympic.org
Web: <http://www.paralympic.org>



Parties

1. The Applicant is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Powerlifting. The IPC's registered offices are in Bonn, Germany.
2. The Respondent is a Brazilian athlete in the sport of IPC Powerlifting.

Communication

3. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (*NPC*).

Background

4. The paragraphs describing the background of the case as set out in the letter of decision on the issue of provisional suspension issued by the Governing Board dated 31 August 2012 (the *Letter of Decision on Provisional Suspension*) are incorporated into this recommendation. The Letter of Decision on Provisional Suspension is attached at Annex 1.
5. A Hearing in the case against the Respondent took place on 31 August 2012 at 9:00 a.m. BST (the *First Hearing*), at the NPC meeting room on the first floor of the NPC Services Centre, Paralympic Village, London.
6. At the First Hearing, the IPC was represented by:
 - Dr. Peter Van de Vliet, IPC Medical & Scientific Director
 - Ms. Vanessa Webb, IPC Anti-Doping Manager
7. The following persons attended the First Hearing on behalf of the Respondent:
 - Mr. Bruno Pinheiro Carra, the Respondent
 - Dr. Andrea Jacusiel Miranda, the Respondent's representative and NPC Brazil medical doctor
 - Ms. Luciana Scheid, translator and Chef de Mission Attaché
 - Dr. Edilson Alves da Rocha, Chef de Mission of the Brazilian delegation for the London 2012 Paralympic Games



Dr. Hesojoy Gley Pereira Vital da Silva, as observer on behalf NPC Brazil

8. Lt. Cdr. Kamaruzaman Kadir, Vice Chair of the Sport Technical Committee of IPC Powerlifting, also attended the First Hearing as the representative of IPC Powerlifting and as an observer.
9. In addition, Ms. Emilie Jones, IPC's legal advisor, was also in attendance at the First Hearing.
10. Finally, Mr. David Julien, member of the WADA independent observer team at the London 2012 Paralympic Games, attended as an observer only.
11. At the First Hearing, the Respondent presented evidence of certain green tea capsules called "*Chà Verde*" produced by the Brazilian manufacturer Fitoway. (the *Chà Verde Product*) that the Respondent had ingested prior to the sample collection. The Respondent and NPC Brazil suspected that the *Chà Verde Product* may contain hydrochlorothiazide (the *Prohibited Substance*), even though the *Prohibited Substance* was not listed on the ingredient list on the product bottle. The Respondent requested that the Hearing Body submit the *Chà Verde Product* capsules to the Satellite Laboratory of King's College Laboratory at the Drug Control Centre, Harlow, England (the *Laboratory*) for testing to determine whether the *Chà Verde Product* contains the *Prohibited Substance* and that the final decision be postponed until after the results of such analysis had been received from the *Laboratory*. The Hearing Body granted the request and NPC Brazil agreed to pay the costs of such analysis.
12. Following the decision to analyse the *Chà Verde Product*, the Respondent requested that the Hearing Body determine whether or not his provisional suspension should be removed. The Respondent presented arguments in favour of removing his provisional suspension, which are outlined in the Letter of Decision on Provisional Suspension.
13. Following deliberation, the Hearing Body recommended to the Governing Board that the Respondent's provisional suspension should remain in place based on the facts presented to the Hearing Body and the circumstances of the case. The Hearing Body concluded that even if the results of the analysis of the *Chà Verde Product* by the *Laboratory* would show that it contained hydrochlorothiazide, the Hearing Body would still not be able to reduce the sanction to a reprimand and no period of ineligibility pursuant to article 10.4 of the Code for the following reasons:



- a) the Respondent was negligent in using a manufactured supplement as it is well known that manufactured supplements may contain prohibited substances through contamination or mis-labelling;
 - b) the Respondent competes in a sport in which diuretics play a role in weight class allocation and, consequently, also performance; and
 - c) the Respondent used the supplement for the purpose of eliminating water from his body and consequently reducing and/or maintaining weight as he is at the upper limit (55,5 kg) of his current weight class (up to 56 kg).
14. The Governing Board affirmed the recommendation of the Hearing Body and upheld the decision of the Hearing Body, and the provisional suspension remained in place.
15. On 31 August 2012, IPC submitted the Chà Verde Product capsules and bottle to the Laboratory and asked the Laboratory to:
- a) analyse the possible presence of hydrochlorothiazide in three out of seven capsules presented to the Laboratory; and
 - b) estimate the approximate concentration of hydrochlorothiazide in the urine sample coded A 2027873 and whether in the opinion of Professor Cowan, director of the Laboratory, the ingestion of one capsule of Chà Verde Product taken at night could have been the cause of the finding in his urine.
16. On 2 September 2012, the IPC received the report from the Laboratory regarding the analysis of the Chà Verde Product. The Laboratory:
- a) confirmed that each capsule of the Chà Verde Product that it had analysed contained the Prohibited Substance;
 - b) stated that in the opinion of Professor Cowan the presence of the Prohibited Substance in the Respondent's urine sample could have arisen from the ingestion of the Chà Verde Product; and
 - c) stated that the dose of Chà Verde Product would have been greater than one capsule taken 12 hour prior to the sample collection,
 - d) (the Chà Verde Product Laboratory Report).
17. On 3 September 2012 at 1.30 p.m., the IPC Medical & Scientific Director, together with IPC's Legal Counsel, delivered to the Chef de Mission and the Chef de Mission Attaché of NPC Brazil: (i) the Chà Verde Product Laboratory Report and (ii) a



notification of the time and date of the Second Hearing, which included a request to call the Respondent's coach as a witness in the case.

Second Hearing

18. The Second Hearing took place on 4 September 2012 at 10:30 a.m. BST at the NPC/IPSF meeting room on the second floor of the Villages Services Centre, Paralympic Village, London.
19. The IPC was represented in the case by:
Dr. Peter Van de Vliet, IPC Medical & Scientific Director
20. Attending the Hearing on behalf of the Respondent were:
Mr. Bruno Pinheiro Carra, the Respondent
Dr. Andrea Jacusiel Miranda, Athlete representative, NPC Brazil medical doctor and translator
Dr. Edilson Alves da Rocha, Chef de Mission of the Brazilian delegation for the London 2012 Paralympic Games
Dr. Hesojoy Gley Pereira Vital da Silva, as representative of behalf NPC Brazil
21. The Respondent's coach, Mr. Valdeci Lopes da Silva, attended the Second Hearing as a witness in the case called by the IPC.
22. Mr. Fati Lashehab, Member of the Sport Technical Committee of IPC Powerlifting attended the Hearing as the representative of IPC Powerlifting and as an observer.
23. Ms. Emilie Jones, IPC's legal advisor, attended the Hearing.
24. Mr. David Julien, member of the WADA independent observer team at the London 2012 Paralympic Games, attended as an observer only.
25. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Hearing Body has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.
26. The Chairperson summarised the case to date and the results of the Chà Verde Product Laboratory Report.



27. The Hearing Body asked the Respondent to confirm that he had only taken one capsule of the Chà Verde Product each night and that he had started using the capsules on 17 August 2012. The Respondent confirmed these facts. The Hearing Body asked the Respondent and the Coach to explain why the product bottle only contained seven capsules out of 60. The Coach explained that he had bought the Chà Verde Product approximately two months prior to the Games for his wife as she was not feeling well. The Coach's wife ingested the capsules, but the Coach stated that he does not know how many capsules she ingested in total. The Coach's wife stopped taking the capsules after some time and gave the bottle with the remaining capsules to the Coach. At the training camp, prior to coming to the Games, the Respondent was out of green tea so the Coach gave the Respondent the Chà Verde Product as a substitute. As the Coach's wife had stopped using the Chà Verde Product, the Coach said to the Respondent that he could keep the bottle. Therefore, the container only contained seven capsules.
28. The Respondent explained to the Hearing Body that he drinks green tea in leaf form on a daily basis, but that sometimes when he travels he takes green tea in capsule form if there is no tea in leaf form available.
29. The Coach informed the Hearing Body that the Respondent competed at the Parapan American Games 2011 in Guadalajara, Mexico (the *Guadalajara Games*). At the Guadalajara Games, the Respondent asked the Coach what he should be drinking and the Coach responded "green tea and water". The Coach concluded that green tea was safe to drink as it was provided in bottle form in the dining hall at the athletes' village at the Guadalajara Games. During the Guadalajara Games, the Respondent felt in good form and as he was successful in his competitions, the Respondent continued drinking green tea as part of his daily routine.
30. The Chairperson of the Hearing Body explained that "Chà Verde" is just the name of the product and continued by asking whether the Coach had studied the ingredients of the Chà Verde Product prior to giving it to the Respondent. The Coach said that he had not as the Chà Verde Product was called "green tea". The Chairperson further explained that the Chà Verde Product contained a number of artificial ingredients and that green tea was just the name of it. The Coach informed the Hearing Body that he had bought it in a natural health store inside a shopping mall in Brazil.
31. The Coach informed the Hearing Body that he is well aware of the WADA Prohibited List and that at all Brazilian coaches are provided with anti-doping



information by the Brazilian NPC. In addition, the Coach ensures that his athletes are provided with anti-doping information prior to every competition in which they compete. The Coach added that he respects anti-doping legislation and principles. The Coach added that he would never want to do anything that would harm the Respondent's image and reputation or his own image or reputation as a coach.

32. The Hearing Body asked the Coach whether he was aware of the problem of contaminated or mis-labelled supplements. The Coach stated that he was aware of such supplements, but had never heard about it in connection with green tea capsules.
33. The Chef de Mission explained that a Brazilian national doping agency was only recently created and prior to that there had been no communication or information sharing between national federations in respect of anti-doping cases. Therefore, the Brazilian NPC had not been aware of the 2010 case of the Brazilian athletics athlete bringing a case in the civil courts against Fitoway to analyse the composition of the Chà Verde Product, which was presented as evidence at the First Hearing.
34. The Chef de Mission further stated that the Brazilian NPC has a comprehensive doping program modelled on the WADA program and that it has a testing program at all of its national competitions. In addition, the Brazilian NPC has put in place a comprehensive educational program and at each competition they have an educational booth similar to that operated by WADA in the dining hall at the Paralympic Village at these Games. The Chef de Mission also added that Brazilian NPC provides each athlete with a pocket guide containing anti-doping information seven times per year.
35. The Chairperson explained that the recommended dose stated on the product bottle was three capsules per day. Each capsule of the Chà Verde Product contained three milligrams. Consequently, if the capsules were taken three times a day, the daily dose of hydrochlorothiazide would be nine milligrams (3 x 3 mg). The Chairperson stated that the Laboratory had issued an opinion stating that the dose of the Prohibited Substance found in the Respondent's urine sample was estimated to be equivalent to that of a dose of nine milligrams per day. However, the Chairperson reiterated that this was only an estimate.
36. The Respondent reconfirmed that he had only taken one capsule each night before going to bed. The Athlete's representative stated that his specific metabolism and



body composition would play a role in determining whether the concentration of the Prohibited Substance in the Respondent's urine sample was an accurate estimation of the dose of capsules that the Respondent had ingested. The Athlete's representative also added that the Chà Verde Product Laboratory Report did state that the opinion was based only on an estimate.

37. The Respondent informed the Hearing Body that prior to 2010 he competed in the 60 kg weight class, but that he had only competed on a national level in this weight class. The Respondent has only competed in the 56 kg weight class and below in international competitions.

Analysis

38. For the reasons set out below, the Hearing Body concludes that the athlete ought to be subject to a period of ineligibility of nine (9) months. The period of ineligibility will start 28 August 2012, the date of notification. In addition, the Respondent will be required to pay a financial sanction of €560.
39. According to Article 2.1.1 of the Code, it is the Respondent's duty to ensure that no Prohibited Substances enter his body. Reliance on a coach, a doctor or other athlete support personnel does not remove this duty.
40. The Prohibited Substance in question is a Specified Substance. If the two requirements of Code Article 10.4 are met, the usual two year period of ineligibility may be reduced or even eliminated. The first requirement is that the Respondent can establish how the Specified Substance entered his body. The second requirement is that the Respondent can establish that he did not intend to enhance his performance. The Hearing Body is satisfied that the Respondent has met both requirements.
41. Laboratory analysis shows that the Chà Verde Product contains the Prohibited Substance. The Prohibited Substance is part of the composition of the product but it is not listed on the product label. We accept the evidence of the Respondent, corroborated by the evidence of the Coach, that the Respondent was using this product prior to sample collection.
42. We are also satisfied that the Respondent did not intend to enhance his performance. He did intend to substitute one form of green tea (taken as a drink) with another (taken as a tablet). His motivation for taking green tea was to help



manage his weight in a weight category sport but not to do so by the use of a Prohibited Substance. We note that his urine sample was not dilute but of a normal specific gravity.

43. Therefore sanction to be assessed according to the second paragraph of Code Article 10.4 which provides for a range of possible sanctions. The sanction within that range depends on the Respondent's degree of fault. In assessing the degree of fault in this case, the Hearing Body has had regard for the criteria for "no fault or negligence" and for "no significant fault of negligence" set out in Code Article 10.5.
44. We found the Respondent's evidence to be clear and sincere in his desire to avoid doping. We found him to be honest and forthright. However, a number of facts contributed to his negligence here.
45. He did not report the Chà Verde Product on the doping control form. He did not examine the label of the product; not only does the label describe the product as a food supplement, the label says that the ingredients are not green tea extract but rather other products flavoured with green tea. The Respondent never asked the Coach about the ingredients of the product. He never did any research such as an internet search about the product and its ingredients. He did not consult a medical doctor or nutritionist. Moreover, the laboratory report suggests that the Respondent's one-tablet-a-night dose and the concentration of the Prohibited Substance in his urine were not consistent. In summary, the Respondent failed to exercise due care.
46. But we must also take into account the role of the Coach. He was the Respondent's personal coach. He gave the product to the Respondent. Like the Respondent, he never considered the green tea product to be a food supplement (despite the product label which described it as a food supplement). The Coach bears some responsibility for the Respondent's adverse analytical finding.
47. In these circumstances, we think a reduction of the period of ineligibility is justified. We find that the degree of the Respondent's fault and that application of Code Article 10.4 justifies a period of ineligibility of nine (9) months.
48. We think the NPC Brazil must review the conduct of the Coach. He had bought the product for his wife but then gave it to his athlete. He had not reviewed the product label for the ingredients of the product or done any other research into the composition of the product. He acknowledged being aware of the problem of



contaminated supplements. His conduct put the Respondent at considerable risk. This is unacceptable.

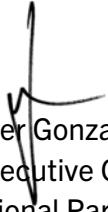
49. Appendix to the IPC Anti-Doping Code Article 10.11 (Rules on the Imposition of Financial Sanctions for Anti-Doping Rule Violations (revised December 2011)) provides for a financial sanction of €1500 for an anti-doping rule violation. It is subject to reduction. Consistent with the Respondent's degree of fault, and recommended reduced period of suspension, we recommend reduction of the financial sanction from €1500 to €560.
50. In accordance with Code Article 10.9, and the imposition of the provisional suspension, the period of ineligibility should start from the date of notification: 28 August 2012.

Recommendation to the IPC Governing Board

51. The Hearing Body of the IPC Anti-Doping Committee recommends to the IPC Governing Board to impose a nine month period of ineligibility pursuant to Code Article 10.4. The period of ineligibility should start as of August 28, 2012.
52. The Hearing Body IPC Anti-Doping Committee recommends to the IPC Governing Board to impose a financial sanction to €560 pursuant to Code Article 10.11.
53. The IPC Anti-Doping Committee would like to remind the Respondent of his status of Ineligibility as set out in Article 10.10 of the Code.

Submitted to the IPC Governing Board on 4 September 2012 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 05 September 2012 at 11:00 BST the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.


Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee



- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee
- Jon Amos, Chairperson Sport Technical Committee IPC Powerlifting
- Kerwin Clarke, WADA Results Management
- Anders Solheim, Chairperson WADA Independent Observer Team London 2012 Paralympic Games



Annex 1
Letter of Decision on Provisional Suspension

[attached behind this page]



International Paralympic Committee
Anti-Doping Committee

In the matter of:

INTERNATIONAL PARALYMPIC COMMITTEE
(the *Applicant*)

Versus

Mr. Bruno PINHEIRO CARRA
(the *Respondent*)

The case is heard in front of the Hearing Body comprised of:

Dr. Toni Pascual, Chairperson of the IPC Anti-Doping Committee; and
Mr. Badrul Amini Rashid, Mr. Joseph de Pencier, and Ms. Kate Rogowiec; Members of the
IPC Anti-Doping Committee (together with the Chairperson, the *Hearing Panel*)

Hearing conducted on 31 August 2012 at 09:00 BST in person at the IPC/IPSF meeting room
on the first floor at the Villages Service Centre, London 2012 Paralympic Village, London,
England.



Parties

54. The Applicant is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. In addition, the IPC is the International Federation of several sports, including IPC Powerlifting. The IPC's registered offices are in Bonn, Germany.
55. The Respondent is a Brazilian athlete in the sport of IPC Powerlifting.

Communication

56. In accordance with Article 14.1.1 of the IPC Anti-Doping Code 2011 (the *Code*), the Respondent (and other relevant persons) shall be notified of a Sample that is brought forward as an Adverse Analytical Finding by the IPC through the relevant National Paralympic Committee (*NPC*).

Background

57. The Respondent is due to compete at the London 2012 Paralympic Games (the *Event*) in the sport of Powerlifting.
58. The Applicant is the organiser of the Event and, therefore, the Major Events Organiser in accordance with the Code. From 22 August 2012 until 9 September 2012, the Applicant is the results management authority for all samples collected in connection with the Event.
59. The London Organising Committee of the Olympic and Paralympic Games had been identified by the Applicant as the authorized sample collection agency.
60. On 24 August 2012, the Respondent as requested to submit a sample for doping control for an out of competition test in London, England.
61. The Respondent provided a sample (sample number 2720837) (the *Sample*) and declared that he had not taken any medication and/or nutritional supplements during the past seven (7) days before the doping control test.
62. The Respondent complied with the request, provided the Sample and signed the doping control form without adverse comment. By doing so, the Respondent indicated that he was satisfied with the sample collection procedures that had



been followed in conducting the test. The Sample was sent for analysis to the Satellite Laboratory of King's College Laboratory, a WADA accredited laboratory based in Harlow, England (the *Laboratory*).

63. On 28 August 2012, the Laboratory reported an adverse analytical finding for Hydrochlorothiazide. This substance is classified as S5. Diuretics and Masking Agents on the World Anti-Doping Code (WADC) 2012 Prohibited List (the *Prohibited List*) and is prohibited both in and out of competition. It is considered a "specified substance".
64. The initial review by the IPC determined that the Respondent did not have an applicable Therapeutic Use Exemption (TUE) for this substance, and that there was no departure from the International Standard for Laboratories or International Standard for Testing that caused the Adverse Analytical Finding.
65. On 28 August 2012 at 08:00 BST, the IPC notified the Respondent via NPC Brazil of the adverse analytical finding in accordance with Article 7.2 of the Code. The Respondent was advised that he was provisionally suspended from the date of notification (28 August 2012) and that unless Articles 10.4 or 10.5 of the Code applies, the standard sanctions for a first-time violation would normally be:
 - automatic disqualification of any competition results in connection with an in-competition test, including forfeiture of any medals, points and prizes obtained on the date of sample collection (24 August 2012);
 - disqualification of all competition results including forfeiture of any medals, points and prizes obtained subsequent to the sample collection date (24 August 2012);
 - an ineligibility period of two (2) years; and
 - a financial sanction of €1.500 (Article 10.11 and Chapter 1.2, Section 2, IPC Handbook ('Rules on the imposition of financial sanctions for anti-doping rule violations')).

The Respondent was also advised of his rights, including the right to request a B sample analysis and the laboratory documentation package.

The notification included a form titled "Letter of Decision" for the Respondent to complete and return to the IPC by no later than 29 August 2012 at 08:00 BST at a meeting between the Respondent, a representative of NPC Brazil, the IPC Medical & Scientific Director and the Chairperson of the Anti-Doping Committee and, if the Respondent wished, a translator (the *Meeting*).



66. At the Meeting, the IPC Medical & Science Director and the Chairperson of the Anti-Doping Committee explained the process to the Respondent and the representative of NPC Brazil and the Respondent completed and returned the signed Letter of Decision to the IPC in a timely fashion. In the Letter of Decision, the Respondent stated that he did not accept that he had committed an Anti-Doping Rule Violation; and he:
- admitted to not having a valid Therapeutic Use Exemption (TUE) justifying the presence of the Prohibited Substance found in the Sample;
 - requested the analysis of the B sample;
 - did not challenge the provisional suspension; and
 - wished to challenge the Anti-Doping Rule Violation and/or the consequences.
67. The B sample analysis took place on 30 August 2012 at 09:00 BST at the Laboratory in Harlow, England. The IPC was represented by Dr. Toni Pascual, Chairperson of the Anti-Doping Committee. The Respondent attended himself together with Ms. Juliana Pereira Soares, Manager of NPC Brazil, and Ms. Andrea Jacusiel Miranda, translator and medical doctor.
68. The B sample analysis report was received by the IPC on 30 August 2012 and hand delivered to the NPC Brazil together with the Laboratory documentation pack on 30 August 2012 at 21:00 BST. The B sample analysis confirmed the results of the A sample (the presence of Hydrochlorothiazide).
69. After the notification of the Hearing took place, a supplementary report to the A sample results documentation was provided by the Laboratory. The Chairperson hand delivered the supplementary report to the Respondent at the beginning of the Hearing.

The Hearing

70. The Hearing took place on 31 August 2012 at 09:00 BST at the IPC/IPSF meeting room on the first floor of the Villages Services Centre, Paralympic Village, London.
71. The IPC was represented in the case by:
Dr. Peter Van de Vliet, IPC Medical & Scientific Director
Ms. Vanessa Webb, IPC Anti-Doping Manager
72. Attending the Hearing on behalf of the Respondent were:



Mr. Bruno Pinheiro Carra, the Respondent

Ms. Andrea Jacusiel Miranda, Athlete representative – counsel and NPC Brazil medical doctor

Ms. Luciana Scheid, member of the delegation of NPC Brazil and translator

Mr. Edilson Alves da Rocha, chef de mission of the Brazilian delegation for the London 2012 Paralympic Games

Dr. Hesojoy Gley Pereira Vital da Silva, NPC Brazil medical doctor

73. Lt. Cdr. Kamaruzaman Kadir, Vice Chairperson of the Sport Technical Committee of IPC Powerlifting, attended the Hearing as the representative of IPC Powerlifting and as an observer.
74. Ms. Emilie Jones, IPC's legal advisor, attended the Hearing.
75. Mr. David Julien, member of the WADA Independent Observer team at the London 2012 Paralympic Games, attended as an observer only.
76. The following outline of the facts and parties' positions is illustrative only and may not comprise every piece of information or submission made by the parties. The Hearing Body has carefully considered all the evidence and submissions provided by the parties, even if there is no specific reference in this recommendation.
77. At the beginning of the Hearing, the Chairperson informed the Respondent that since the lab analysis report of the B sample was received and confirmed the A sample, the Hearing would address both the case of the provisional suspension as well as the anti-doping rule violation. The Respondent agreed.
78. The Applicant's case is that the Respondent has violated Article 2.1 (Presence in Sample) of the Code. It asserts that there was no valid TUE and no departures from the Code that caused the adverse analytical finding.
79. The Respondent informed the Hearing Panel that he is 23 years old and has been competing on an international level in powerlifting for one and a half years. During that time he has been tested four times. He has no medical history or any other reason why he would take any medication. He further informed the Hearing Panel that he is conscientious and prior to taking any medication or supplements he always checks each ingredient on the WADA app on his mobile phone. He has also been aware of IPC's extensive Paralympic testing program prior to the Games and knew that he would be tested at the Games.



80. The Respondent and the team doctors present confirmed that none of the team doctors had prescribed any medication to the Respondent. The Respondent and the representatives of the NPC present confirmed that the Respondent had been questioned and that the Respondent was not taking any medications that the team doctors were unaware of. The Respondent explained that he was shocked when his test results showed an adverse analytical finding and that this was the reason why he requested a B sample analysis. The Respondent explained that the only substance that he had ingested which was different to the other members of the Brazil powerlifting team were certain green tea capsules called “chá verde” produced by a company called “Fitoway”. The Respondent’s representative explained that there had been a court case in Brazil where an athlete suspected that a green tea supplement produced by Fitoway contained hydrochlorothiazide and had requested that a laboratory analyse the substance, but the laboratory had refused to analyse the substance without approval from Fitoway. Therefore, the Brazilian athlete had brought the case to court to request that the supplement be analysed. However, the athlete lost the case and the supplement was never analysed to determine whether it contained hydrochlorothiazide. Consequently, the Respondent and the Respondent’s representative are not sure whether “chá verde” contains the substance in question, but suspect that it may. The Respondent and the NPC only became aware of the court case following investigation into the Respondent’s adverse analytical finding.
81. The Respondent explained that he had not declared the green tea supplement on his doping control form as he did not consider it to be a nutritional supplement. The Respondent’s representative explained to the Hearing Panel that in Brazil green tea supplements are not considered food supplements as such.
82. A photocopy of the supplement container and the ingredient list was presented to the Hearing Panel. The Hearing Panel noted that the words “*Suplemento Alimentar*” were written on the container, which the Respondent’s representative translated as meaning “food supplement”. The Respondent explained that as he had previously drunk green tea to maintain his weight, he did not think that by taking the same substance in capsule form would make a difference.
83. The Respondent explained that when he received the container he checked each of the ingredients on the ingredient list against the Prohibited List on his WADA app. As none of the ingredients were contained on the Prohibited List, he felt it was safe to take the capsules. The Respondent explained that his coach had purchase



the capsules in a supermarket. The team doctors present stated that they were unaware of the fact that the coach had provided the Respondent with the green tea supplement. The Respondent stated that the team nutritionist had advised him to take green tea, but that he had not made the nutritionist aware of this particular green tea supplement.

84. The Chairperson suggested that the green tea supplement, which the Respondent had ingested, be analysed by the Laboratory, if the Laboratory was willing to do so. NPC Brazil agreed to pay any costs relating to the analysis.
85. The Respondent informed the Hearing Panel that he weighs 55,5 kg and that he competes in the weight class 56 kg and that he took the green tea supplement prior to his competition to ensure that he maintains his weight and does not have to worry about what he eats on the day of competition.
86. The Respondent informed the Hearing Panel that he started taking the supplement five days prior to arriving in London when he was at the team training camp in Manchester on 17 August 2012, but that the product had been purchased in Brazil. He stated that he had taken 1 capsule each night.
87. The Brazilian powerlifting team coach is the national coach as well as the Respondent's personal coach. The Respondent explained that as it is his personal coach he was the only athlete out of the Brazilian powerlifting team who had been given this particular green tea supplement.
88. Following the receipt of the information described above, the Hearing Panel requested to be excused to discuss how to proceed with the case. The Respondent and the IPC accepted the Hearing Panel's request and the Hearing was adjourned briefly.
89. When the Hearing was reconvened, the Chairperson explained what a provisional suspension is under the Code. Following that, the Hearing Panel asked the Respondent:
 - a. whether the Respondent like to have the green tea supplement analysed by the Laboratory, if possible; and
 - b. if the green tea supplement was analysed, the results would not be available until after the Respondent is due to compete in the Event, would the Respondent want to challenge the provisional suspension.

90. The Respondent responded affirmatively to both questions and, therefore, the final hearing of the case was adjourned and the Hearing Panel turned to the question of provisional suspension.
91. The Respondent and his representative presented the following arguments for eliminating the provisional suspension:
- a. the substance was not intended to enhance performance;
 - b. the test was an out of competition test;
 - c. the specific gravity of the sample was normal; and
 - d. according to the Code, it is not mandatory for the Hearing Panel to provisionally suspend an athlete if he or she has taken a specified substance;
 - e. the reason why the Respondent had not challenged the provisional suspension in the first place was because the Hearing was to be completed and a decision rendered prior to the competition.
92. Finally, the Respondent added that it is every athletes dream to compete in the Olympic or Paralympic Games and that this was and is his dream too. If he knew that the supplement could have been contaminated, he would not have taken it.

Analysis

93. Based on the facts before them and the circumstances of the case, the Hearing Panel concludes that the Respondent's provisional suspension should not be eliminated. Even if the test results of the analysis of the supplement by the Laboratory show that the green tea supplement was contaminated with hydrochlorothiazide, the Hearing Panel would still not be able to reduce the sanction to a reprimand and no period of ineligibility under article 10.4 of the Code. The reasons being:
- a. the Respondent was negligent in using a manufactured supplement. It is well known that manufactured supplements may contain prohibited substances through contamination or mis-labelling;
 - b. the Respondent competes in a weight category sport, in which diuretics play a role in performance based on the weight class allocation; and
 - c. the Respondent used the supplement for the purpose of eliminating water from his body and consequently reducing and/or maintaining weight as he is at the upper limit (55,5 kg) of his current weight class (up to 56 kg).

Recommendation to the IPC Governing Board



94. The IPC Anti-Doping Committee recommends to the IPC Governing Board to impose a Provisional Suspension pursuant to Article 7.5.2.1.
95. Following receipt of the results of the analysis of the green tea supplements from the Laboratory, a full Hearing of the case to determine a sanction will be held.

Submitted to the IPC Governing Board on 31 August 2012 as a recommendation from the IPC Anti-Doping Committee in accordance with Article 8.5.2 of the IPC Anti-Doping Code 2011.

On 31 August 2012 at 15:40 BST the IPC Governing Board reviewed the above document and accepted the recommendation of the IPC Anti-Doping Committee.

A handwritten signature in black ink, appearing to read 'Xavier Gonzalez', is positioned above the typed name.

Mr. Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee

- cc. Toni Pascual, Chairperson IPC Anti-Doping Committee
Kerwin Clarke, WADA Results Management
Jon Amos, Chairperson Sport Technical Committee IPC Powerlifting and Technical Delegate IPC Powerlifting London 2012 Paralympic Games
Anders Solheim, Chairperson WADA Independent Observer Team London 2012 Paralympic Games