

**IN THE MATTER OF PROCEEDINGS BROUGHT BY THE INTERNATIONAL TENNIS  
INTEGRITY AGENCY UNDER THE 2025 TENNIS ANTI-DOPING PROGRAMME**

Before:

Ms. Grace Cheng (Chair)

Ms. Helle Qvortrup

Prof. Isla Mackenzie

**BETWEEN:**

**INTERNATIONAL TENNIS INTEGRITY AGENCY (ITIA)**

**Anti-doping Organisation**

– and –

**KAILI DEMI TESO**

**Respondent**

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**DECISION OF THE INDEPENDENT PANEL**

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**A. Introduction**

1. Ms. Kaili Demi Teso (“**Player**”), is a professional tennis player of Japanese nationality who participated in the International Tennis Federation (“**ITF**”) Women’s World Tennis Tour W15 event (“**Event**”) held in Mysuru, India, from 6 to 13 October 2024. At the time of the Event, the Player was 18 years old. She has played in Covered Events (ITF World Tennis Tour Juniors) since September 2020, and in ITF Women’s tournaments since June 2024. Although the Player speaks some Japanese, she cannot read or write Japanese. Her first language is English.
2. The ITIA is an independent body that was established in 2021 by, *inter alia*, the ITF, to promote, encourage, enhance, and safeguard the integrity of its professional tennis events worldwide. Pursuant to the World Anti-Doping Code (“**Code**”), the ITIA is the Delegated Third Party of the ITF (the international governing body for the sport of tennis and signatory to the Code), which is responsible for the management and administration

of the Tennis Anti-Doping Programme (“**TADP**”). The TADP sets out Code-compliant anti-doping rules applicable to tennis players competing in Covered Events.

3. The Player provided an In-Competition Sample for the purpose of drug-testing during the Event on 10 October 2024. The analysis of the Player’s Sample identified the presence of a Prohibited Substance, Methylephedrine, which is a Specified Substance under the category of S6.B Stimulants of the 2024 Prohibited List. The Player was issued with a formal notice of disciplinary charge (“**Charge**”) on 22 January 2025, in accordance with TADP Article 7.13, for the commission of Anti-Doping Rule Violations (“**ADRVs**”, with each being an “**ADRV**”) under TADP Articles 2.1 and/or 2.2. The Player admitted to the Charge but denied the Consequences.
4. The matter was referred to the Independent Panel. Pursuant to Article 8.1 of the 2025 TADP and Rule 1.1 of the Procedural Rules Governing TADP Proceedings Before an Independent Tribunal, an Independent Tribunal was formed from the Independent Panel to hear and determine this matter. These proceedings are conducted in accordance with the substantive rules of the 2024 TADP and the procedural rules set out in the 2025 TADP, construed in accordance with the Code and the comments thereto, with English law applying subsidiarily.
5. The ITIA was represented by Ms. Julia Lowis. Ms. Louisa Simpson, Of Counsel, represented the Player. The Independent Tribunal would like to express its gratitude to Ms. Lowis and Ms. Simpson for their helpful assistance in this matter.
6. The Independent Tribunal has carefully considered all submissions made and all material that was submitted by both Parties. Any omission to refer to any material in this Decision should not be taken as a failure to have taken such material into account and given it all due and proper weight.

## **B. Procedural Background**

7. On 18 February 2025, the ITIA notified the Player that after consideration of her case, a 12-month sanction was proposed in relation to the ADRVs, which she could either accept, or dispute, and refer the matter to the Independent Panel.

8. On 19 February 2025, the Player replied that she disputed the proposed sanction and requested that the matter be referred to the Independent Panel. This was done on the same date.
9. On 28 February 2025, Ms. Grace Cheng was appointed as the Chair ("**Chair**") of the Independent Tribunal, in accordance with TADP Article 8.2, with no objections from the Parties.
10. Both Parties participated fully in the proceedings and did not object to the jurisdiction or constitution of the Independent Tribunal.
11. On 25 March 2025, a preliminary meeting ("**Preliminary Meeting**") was held via video conference in accordance with TADP Article 8.3. The ITIA was represented by Ms. Julia Louis. The Player, although not present, was represented by Ms. Louisa Simpson. The Player's parents, Mr. Desarack Teso and Mrs. Yumi Teso ("**Player's Mother**") were both in attendance.
12. At the Preliminary Meeting, Ms. Simpson confirmed that the Player admitted to the Charge but disputed the Consequences. Ms. Simpson made an oral application without notice, on behalf of the Player, for the costs of the translation of any Japanese documents (into English) that the Player may rely upon in the proceedings to be borne by the ITIA, due to her current financial situation.
13. Upon hearing oral submissions from both Parties, the Chair considered that no good cause had been shown for departing from the general rule, set out in TADP Article 8.4.3.3, that the cost of translation will be borne by the party offering the documents. However, the Chair reserved the position, should the Player wish to renew the application at a later stage in the proceedings. The Chair approved the procedural timetable agreed by the Parties.
14. On 7 and 8 April 2025, the ITIA and the Player confirmed their respective preference for a single judge and a three-member tribunal to rule on this matter, with each of them stating the reasons for their preference as follows:
  - (1) The ITIA stated, on 10 April 2025, that its "*suggestion*" that this matter be heard by a single judge was on the basis that only sanction was in dispute. The ITIA

considered that having this matter determined by a single judge may be helpful to the Player, by allowing for a quicker resolution to the case (in respect of timetabling). However, if the Player wished for the matter to be heard by a three-member tribunal, then the ITIA had no objections to that.

- (2) The Player, on 14 April 2025, confirmed that her continued preference was for the matter to be heard by a three-member tribunal. This was said to be the “*routine position*”, pursuant to TADP Article 8.2.1, and having non-legal members with experience of the industry would positively inform the legal analysis of the Chair and ensure that any decision made by the Independent Tribunal was made with an understanding of the realities of the sector and practices.

15. Upon considering the submissions of both Parties, the Chair directed on 14 April 2025 that the matter would be determined by a three-member panel, consisting of the Chair and two suitably qualified panel members. On 2 May 2025, Ms. Helle Qvortrup and Prof. Isla Mackenzie were appointed as the co-arbitrators in this matter, with no objection from the Parties.
16. On 22 April 2025, the Player submitted a brief setting out her argument on the issues that she wished to raise at the Hearing, in accordance with TADP Article 8.3.2.6(a). The Player also filed two written witness statements – one from herself and another from the Player’s Mother, both dated 22 April 2025 – as well as the case of *UK Anti-Doping Limited v Amir Khan* (SR/238/2022) and other documents.
17. On 20 May 2025, the ITIA submitted an answering brief setting out its argument on the issues that it wished to raise at the Hearing, in accordance with TADP Article 8.3.2.6(b). The ITIA also submitted several other documents, including a number of case authorities.
18. On 9 June 2025, the ITIA and the Player each sent a separate hearing bundle to the Independent Tribunal along with an agreed schedule for the Hearing.
19. On 16 June 2025, a Hearing was held by video conference. This was attended by Ms. Julia Lowis (Senior Legal Counsel), Ms. Katy Stirling (Senior Legal Counsel), Ms. Nicole Sapstead (Senior Director, Anti-Doping), and Ms. Jodie Cox (Legal Counsel and Case Manager) on behalf of the ITIA. The Player attended, along with both of her parents, and

was represented by her Counsel, Ms. Louisa Simpson. The Independent Tribunal was helpfully assisted by Ms. Raffaella Prouet, Case Manager at Sport Resolutions.

20. At the conclusion of the Hearing, the Parties confirmed that they had no objections to the manner in which the proceedings had been conducted and that they were content for the Independent Tribunal to proceed to issue a Decision in this matter.

### C. Facts

21. On 6 October 2024, the Player played and won her first qualifying round match, after which she became unwell, with symptoms of a cough and cold. On 7 October 2024, the Player played and won her final qualifying round match.
22. When the Player's cough and cold worsened, she contacted her mother on WhatsApp to ask what medication she should take. Based on the Player's Mother's advice, the Player took an over-the-counter medicine (Shin Lulu A Gold s) ("**Medicine**") on 8, 9, and 10 October 2024, that she had brought with her to the Event, and which the Player's Mother had purchased for her in Japan. The Player first took the Medicine (3 pills) in the evening of 8 October 2024 after dinner, as advised by the Player's Mother. On 9 October 2024, the Player took 3 pills after breakfast, 3 pills after lunch, and another 3 pills after dinner. On 10 October 2024, the Player took 3 pills after breakfast.
23. On 9 October 2024, the Player played the main draw first round of singles and won but lost in the first round of doubles. She played the second round of the singles main draw on 10 October 2024 and lost.
24. On 10 October 2024, an In-Competition urine sample ("**Sample**") was collected from the Player during the Event, who had been randomly selected with no advance notice. The Sample was split into an A sample ("**Sample A**") and a B sample ("**Sample B**") which were sealed in tamper-evident bottles and transported to the World Anti-Doping Agency ("**WADA**") accredited laboratory in Montreal, Canada ("**Laboratory**") on 17 October 2024 for analysis.

25. On 4 November 2024, the Laboratory confirmed that it had analysed Sample A and reported an adverse analytical finding (“**AAF**”), namely that Sample A contained Methylephedrine. Methylephedrine was measured at 17.6 µg/mL which was greater than the decision limit of 11.0 µg/mL (specific gravity: 1.009), Uc = 4.7% at the threshold value of 10.0 µg/mL.
26. The Independent Review Board (composed of Ms. Sabrina Strano Rossi and Mr. Andrew Pipe on 25 November 2024, and Mr. Gavin Appleby on 27 November 2024) unanimously decided that there was a case to answer under TADP Article 2.
27. On 6 December 2024, the ITIA sent a formal notice (“**Pre-Charge Notice**”) to the Player in accordance with TADP Article 7.10, in both English and Japanese, to notify the Player that she may have committed an ADRV under TADP Articles 2.1 and/or 2.2, on the basis that Methylephedrine, which is prohibited, was found to be present in Sample A. The Player was invited to respond to the Pre-Charge Notice by 20 December 2024.
28. On 6 December 2024, the Player responded to the Pre-Charge Notice to confirm that she denied the Charge and requested that Sample B be opened and analysed. She explained that she had no intention to violate anti-doping rules or gain any competitive advantage. She emphasised that she had taken the Medicine for health reasons and not to enhance her performance.
29. On 11 December 2024, the Laboratory opened and analysed Sample B. On 12 December 2024, the Laboratory reported that Sample B contained Methylephedrine, thus confirming the Laboratory’s finding for Sample A.
30. On 19 December 2024, the ITIA informed the Player by letter that an analysis of Sample B was conducted on 11 December 2024, which confirmed the finding reported for Sample A, i.e. confirming the presence of Methylephedrine. The letter further confirmed that the matter would proceed in accordance with the Pre-Charge Notice.
31. On 22 January 2025, the ITIA sent a formal notice of disciplinary charge (“**Notice of Charge**”) to the Player, in accordance with TADP Article 7.13, notifying the Player that she was being charged with the commission of an ADRV under TADP Articles 2.1 and/or 2.2 on the basis that Methylephedrine, which is prohibited, was found to be present in

Sample A. In accordance with TADP Article 2.1.2, the fact that the analysis of Sample B had confirmed the Laboratory's AAF in respect of Sample A, constituted sufficient proof of the presence of Methylephedrine in Sample A and thus, the Player's violation of TADP Article 2.1.

32. In the Notice of Charge, the Player was advised that if she wished to have a hearing before an Independent Tribunal to dispute the Charge or to admit the Charge but to make submissions as to the Consequences that should be imposed, she must file a written request by 11 February 2025.
33. On 10 February 2025, the Player responded ("**Response**") to the Notice of Charge in which she admitted to the Charge. However, it was stressed that the Player's degree of Fault was minimal for the following reasons:
  - (1) The Player is unable to read Japanese, and the labels and descriptions of the Medicine that she ingested were only in Japanese.
  - (2) The Player relied on the recommendation of the Player's Mother, whose recommendation was in turn based on the advice of a licensed pharmacist from a reputable and well-regulated national pharmacy chain in Japan, [REDACTED] which is a listed company. The pharmacist had recommended the Medicine after the Player's Mother specifically requested medicine without hormonal or steroid components to avoid compliance risks.
  - (3) The Player's sole intention was to take the Medicine for therapeutic purposes in order to alleviate her worsening cough.
  - (4) The Player had no opportunity to consult with medical professionals or tournament officials prior to taking the Medicine, since she was residing in a remote Airbnb apartment, and not the tournament hotel, to save on costs.
34. In the Response, it was emphasised that this was the Player's first ADRV and she had made changes to her behaviour since the Event. For example, when competing in a tennis tournament in Tunisia in January 2025, the Player took only Tylenol when she contracted

a cold and suffered from shoulder pain<sup>1</sup>. Prior to ingesting Tylenol, the Player consulted with tournament officials and medical personnel. The Player further stated that she has also started to maintain a log of all medications that she takes.

35. The Player submitted that a suspension from Competition and/or Disqualification of results would be unjustifiable, disproportionate, and inequitable. Instead, it was submitted that the Player should be issued with a written warning, mandated to undergo a refresher anti-doping training, and enter into an agreement to provide Substantial Assistance to the ITIA, including in relation to uncovering or establishing an ADRV by another player or individual<sup>2</sup>. This was said to reflect the unintentional nature of the ADRV, the Player's minimal degree of Fault, and her proactive steps to prevent future occurrences.

## **D. Relevant Material**

### *a. 2024 Tennis Anti-Doping Programme*

36. The TADP is an integrity programme that is managed and enforced by the ITIA on behalf of the ATP, WTA, ITF and Grand Slams. It applies to all Covered Events and ITF World Tennis Tour Junior events, and provides inter alia for the following –

#### **“1.3 Core responsibilities under this Programme**

##### **1.3.1 It is the personal responsibility of each Player to:**

##### **1.3.1.1 be knowledgeable of and comply with this Programme at all times;**

**[...]**

##### **1.3.1.3 take responsibility for what they Use;**

##### **1.3.1.4 carry out research regarding any products or substance that they intend to Use to ensure that Using**

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<sup>1</sup> At the Hearing, the Player confirmed that she did not take Tylenol and withdrew from the tournament.

<sup>2</sup> At the Hearing, it was confirmed on behalf of the Player that any sanction should comprise a reprimand and, at most, a period of Ineligibility of 3 months.

*them will not constitute or result in an Anti-Doping Rule Violation. Such research must, at a minimum, include a reasonable internet search of:*

- (a) the name of the product or the substance;*
- (b) the ingredients/substances listed on the product or substance label (noting that this may vary depending on the country in which the product or substance is sourced or where it was manufactured); and*
- (c) any potentially relevant information revealed through research of points (a) and (b);*

*[...]*

*1.3.1.6 ensure that any medical treatment they receive does not violate this Programme;*

*[...]*

## **2. Anti-Doping Rule Violations**

*Doping is defined as the occurrence of one or more of the following (each, an Anti-Doping Rule Violation):*

**2.1     *The presence of a Prohibited Substance or any of its Metabolites or Markers in a Player's Sample, unless the Player establishes that such presence is consistent with a TUE granted in accordance with Article 4.4.***

*[...]*

**2.2     *Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method, unless the Player establishes that such Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.4.***

[...]

#### 4.2 ***Prohibited Substances and Prohibited Methods identified on the Prohibited List***

[...]

##### 4.2.1.5 *Players and other Persons are reminded that:*

(a) *Many Prohibited Substances may appear (either as listed ingredients or otherwise, e.g., as unlisted contaminants) within supplements and/or medications that may be available with or without a physician's prescription. Since Players are strictly liable for any Prohibited Substances present in Samples collected from them (see Article 2.1.1), they are responsible for ensuring that Prohibited Substances do not enter or come to be present in their bodies by any means and that Prohibited Methods are not Used.*

(b) *There are often synonyms for substances that are mentioned by name on the Prohibited List, but not all of those synonyms are necessarily included on the Prohibited List. In addition, the Prohibited List is not a 'closed list' of Prohibited Substances but instead also encompasses substances that are not mentioned by name on the Prohibited List but instead are incorporated onto the Prohibited List by category and/or by reference to 'substances with a similar chemical structure or similar biological effect(s)'. As a result, the fact that a particular substance does not appear by name on the Prohibited List does not mean that the substance is not a Prohibited Substance. It is the Player's responsibility to determine the status of the substance, e.g., by contacting IDTM (via the*

contact details set out in the inside front cover of the Programme).

[...]

### 5.3 **In-Competition Testing**

[...]

5.3.3 The following periods will be deemed '**In-Competition Periods**', and Samples collected during such a period will be deemed to have been collected '**In-Competition**' for purposes of this Programme:

5.3.3.1 from 11:59 p.m. local time on the day before the first match of the main draw (or of the qualifying draw, if the Player is participating in the qualifying draw) of the first Competition in which the Player is participating in an Event;

5.3.3.2 through to the end of the Player's last match (in any Competition) in the Event and the Sample collection process related to that match that is conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the Player's last match (120 minutes if the Player's last match in the Event is the final match in the Competition in question) [...]

[...]

### 9.1 **Automatic Disqualification of individual results**

An Anti-Doping Rule Violation committed by a Player in connection with or arising out of an In-Competition test automatically leads to Disqualification of the results obtained by the Player in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money obtained by the Player in that Competition.

**[Comment to Article 9.1:** In addition, further results obtained by the Player in the same or subsequent Events may be Disqualified, in accordance with Article 10.1 (same Event) and/or Article 10.10 (subsequent Events)].

[...]

**10.2     *Imposition of a period of Ineligibility for presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method***

*The period of Ineligibility imposed for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Player's or other Person's first doping offence will be as follows, subject to potential elimination, reduction, or suspension pursuant to Article 10.5, 10.6, or 10.7.*

**10.2.1     *Save where Article 10.2.4.1 applies, the period of Ineligibility will be four years:***

[...]

*10.2.1.2 where the Anti-Doping Rule Violation involves a Specified Substance or a Specified Method and the ITIA can establish that the Anti-Doping Rule Violation was intentional.*

**10.2.2     *If Article 10.2.1 does not apply, then (subject to Article 10.2.4.1) the period of Ineligibility will be two years.***

**10.2.3     *As used in Article 10.2, 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.***

*10.2.3.1 An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a Prohibited Substance or a Prohibited Method that is only prohibited In-Competition will be rebuttably presumed to be not*

*'intentional' if the Prohibited Substance is a Specified Substance or the Prohibited Method is a Specified Method and the Player can establish that the Prohibited Substance was Used Out-of-Competition.*

*10.2.3.2 An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a Prohibited Substance or a Prohibited Method that is only prohibited In-Competition will not be considered 'intentional' if the Prohibited Substance is a Specified Substance or the Prohibited Method is a Specified Method and the Player can establish that the Prohibited Substance or Prohibited Method was Used Out-of-Competition in a context unrelated to sport performance.*

**[Comment to Article 10.2.3:** Unless otherwise specified in this Programme or the Code, 'intentional' means that the Person intended to commit the act that forms the basis of an Anti-Doping Rule Violation regardless of whether the Person knew that such act constituted a violation of this Programme or the Code].

[...]

**10.5     *Elimination of the period of Ineligibility where there is No Fault or Negligence***

*If a Player or other Person establishes in an individual case that they bear No Fault or Negligence for the Anti-Doping Rule Violation, the otherwise applicable period of Ineligibility will be eliminated.*

**10.6     *Reduction of the period of Ineligibility based on No Significant Fault or Negligence***

*10.6.1   Reduction of Sanctions in particular circumstances for Anti-Doping Rule Violations under Article 2.1, 2.2 or 2.6:*

*All reductions under Article 10.6.1 are mutually exclusive and not cumulative.*

#### **10.6.1.1 Specified Substances or Specified Methods**

*Where the Anti-Doping Rule Violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Player or other Person can establish that they bear No Significant Fault or Negligence for the violation, the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Player's or other Person's degree of Fault.*

[...]

#### **10.10 Disqualification of results in Competitions subsequent to Sample collection or commission of an Anti-Doping Rule Violation**

*Unless fairness requires otherwise, in addition to the Disqualification of results under Articles 9.1 and 10.1, any other results obtained by the Player in Competitions taking place in the period starting on the date the Sample in question was collected or other Anti-Doping Rule Violation occurred and ending on the commencement of any Provisional Suspension or Ineligibility period, will be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money). [sic]*

[...]

#### **10.13 Commencement of Ineligibility period**

[...]

##### **10.13.1 Delays not attributable to the Player or other Person:**

*Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Player or other Person can establish that such delays are not attributable to the Player or other Person, the period of Ineligibility may be deemed to have started at an earlier date [...]*

10.13.2 Credit for any Provisional Suspension or period of Ineligibility served:

10.13.2.1 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Player or other Person will be credited against the total period of Ineligibility to be served.

[...].

b. World Anti-Doping Code

37. The World Anti-Doping Code International Standard Prohibited List 2024 (**“Prohibited List”**) provides inter alia that substances prohibited In-Competition include S6. These include (but are not limited to) Methylephedrine, listed under S6.B: Specified Stimulants and other substances with a similar chemical structure or similar biological effect(s), when the concentration in urine is greater than 10 micrograms per millilitre.
38. In the Table of Contents of the Prohibited List, it was stated under the category of ‘S6 Stimulants’ that: *“Some of these substance(s) may be found, without limitation, in medications used for the treatment of e.g. anaphylaxis, attention deficit hyperactivity disorders (ADHD), cold and influenza symptoms”*.
39. The ‘In-Competition’ period is defined in the Prohibited List as *“the period commencing just before midnight (at 11:59 p.m.) on the day before a Competition in which the Athlete is scheduled to participate until the end of the Competition and the Sample collection process”*.

c. ITF Training Course

40. The ITF Training Course material provided inter alia for the following –

*“[i]t is very important to note that some common medications used to treat illnesses or injuries contain prohibited substances. Therefore, you must always check your medication before taking it. Our website has a ‘treatment guide’ to help you when talking to your doctor or selecting a medication.*

*Anti-Doping testing takes place at ITF World Tennis Tour Junior events or other junior events.*

*[...]*

*Much of the testing process is the same as it is for older athletes [...]*

*You will learn more about the testing process in the advanced module of this course when you reach the top 500 or start playing in higher category Junior events.*

*However, many anti-doping rule violations take place because of accidental or **inadvertent doping** by taking a prohibited substance through **medications** or dietary supplements that might be contaminated.*

***The TADP applies to all events sanctioned by the ATP/WTA/ITF and the Grand Slam tournaments, including ITF Junior events.***

*As a competitive tennis player, there are certain substances that you are not allowed to take. WADA updates and publishes a list of these substances each year called '**The Prohibited List.**'*

*The Prohibited List outlines what substances athletes are not allowed to take in sport and when*

*[...]".*

## **E. Submissions of the Player**

41. The Player accepted that Methylephedrine was present in the Sample that she provided on 10 October 2024 and therefore, admitted to the commission of ADRV under TADP Articles 2.1 and/or 2.2, as per the Charge.
42. It was submitted on behalf of the Player that the starting point of four (4) years as a period of Ineligibility imposed for a first ADRV offence under TADP Article 2.1 or 2.2 applies only where the ITIA can establish that the ADRV was intentional (TADP Article 10.2.1.2). Since the ITIA was unable to establish that the ADRV was intentional, TADP Article 10.2.1 does

not apply and the period of Ineligibility that can be imposed, as a starting point, will be two (2) years (TADP Article 10.2.2).

43. The Player relied on the case of *UK Anti-Doping Limited v Amir Khan* (SR/238/2022) involving the 2021 UK Anti-Doping Rules (“**UKADR**”) adopted by the British Boxing Board of Control in which it was held at paragraph 13 that “[t]he special meaning of intentional in this context requires direct intent or, if recklessness is in question, indirect intent. The test is subjective, based on the Athlete’s knowledge, and under Article 8.4.2 the required standard of proof is on the balance of probabilities”. In that case, it was held at paragraph 19 that the onus was on the athlete to produce objective evidence “which is sufficient on the balance of probability to prove that he did not intentionally engage in conduct which he knew constituted the violation or knew there was a serious risk of constituting or resulting in the violation and manifestly disregarded that risk”.
44. In particular, in the case of *Khan* it was held at paragraph 33 that “[t]he Tribunal accepts that under Article 10.2.1 there is a presumption of intentional use of a Prohibited Substance which requires the Athlete to establish that the Anti-Doping Rule Violation was not intentional. [...] UKAD makes the point that the Athlete had failed to comply with his personal responsibility under ADR Article 1.3 in respect of supplements. That matter does not have any application to the violation charged which is entirely focused on any conduct which the Athlete knew constituted the violation, or knew of the significant risk of a violation which was not to be manifestly disregarded”.
45. Save that the burden of proof is shifted onto the person charged with committing the offence, it was notable that Articles 10.2.1, 10.2.2, and 10.2.3 of the UKADR, as considered by the Tribunal in the case of *Khan* and which are set out below, are substantively the same terms as the corresponding provisions of the TADP –

**“10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method**

*The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete’s or other Person’s first anti-doping offence shall be as follows, subject to potential reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:*

*10.2.1 Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:*

*(a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.*

*(b) [...]*

*10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.*

*10.2.3 As used in Article 10.2, the term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which they know constitutes an Anti-Doping Rule Violation or they know that there is a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and they manifestly disregarded that risk [...]’.*

46. The Player relied on the following reasons to support her assertion that she did not engage in conduct which she knew constituted an ADRV and/or did not know there was a significant risk that the conduct might constitute or result in an ADRV and manifestly disregard that risk (TADP Article 10.2.3) –

- (1) Methylephedrine was only prohibited In-Competition. The Player took the Medicine Out-of-Competition, thereby leading to a rebuttable presumption that the Use was not intentional.<sup>3</sup>
- (2) The Player took the Medicine in a context that was unrelated to sport performance and purely for therapeutic purposes, i.e. in order to soothe the symptoms of her cough, and not to gain any advantage in the Event.
- (3) The Player did not know that taking the Medicine would result in an ADRV, or that there was a significant risk it may do so.
- (4) The Player was only 18 years old at the time of the Event and relied on the explicit reassurance of the Player’s Mother that the Medicine was safe and appropriate to

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<sup>3</sup> This line of argument was not pursued at the Hearing.

take in compliance with WADA's regulations, verified explicitly by a reputable pharmacist from whom the Player's Mother purchased the Medicine.

- (5) The Player was unable to verify the list of ingredients of the Medicine since she is unable to read Japanese and was unable to read the packaging or leaflet.
- (6) The quantity of Methylephedrine in the Sample was minimal. Not only did taking the Medicine fail to improve the Player's results at the Event; it in fact led to her results worsening.
- (7) The Player declared the Use of the Medicine on her Doping Control Form.

47. It was further submitted that the Player bears No Fault or Negligence for the ADRV, or alternatively No Significant Fault or Negligence. Therefore, any period of Ineligibility should be eliminated or at most, reduced to a reprimand, pursuant to TADP Articles 10.5 and 10.6.1.1, respectively.

48. The Player did not know or did not suspect, and could not reasonably have known or suspected that she had Used the Prohibited Substance. Alternatively, the Player's Fault or Negligence was not significant in relation to the ADRV when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, for the following reasons –

- (1) At the time of the Event, the Player was transitioning from ITF junior to senior and WTA tournaments. Competing as an Under-18 athlete involves less stringent anti-doping education compared to senior or professional tournaments.
- (2) Since playing in the juniors, the Player has undertaken an annual general training on values and integrity which includes a section on anti-doping rules. However, this is very basic and insufficient to properly equip her to avoid any ADRV in light of the complexity of the anti-doping rules.
- (3) The Player attended and participated at the Event with her younger sister only and without her parents, coach, or other adult supervision or assistance.

(4) The Player stayed at a remote Airbnb instead of the tournament hotel due to financial constraints, which limited her ability to consult with medical professionals and tournament officials, or seek other support at the Event.

49. During the Hearing, the Player's Mother gave evidence that she had relied on the advice of a reputable pharmacist in Japan. When the Player previously travelled alone to other tennis tournaments in Indonesia and Thailand, the Player's Mother did not consider it necessary to purchase medication for the Player since the Player's Mother had friends in those countries who would be able to look after the Player. However, in light of the specific circumstances of the Event which took place in India, the Player's Mother decided for the first time to purchase the Medicine for the Player to bring with her. The Player's Mother occupies the role of a manager in the context of the Player's tennis career, in addition to her own personal and work commitments.
50. The Player's Mother did not believe at any time prior to the test results being received by the Player that there could have been any problem with the Medicine. Japanese medication has a reputation for not being as strong as medication from other countries such as those from the USA. To err on the side of caution, the Player's Mother had clarified this with two pharmacists before purchasing the Medicine, who had reassured her that if she had any concerns then she should purchase the 'ordinary' Medicine, as opposed to a more potent version. Although the Player's Mother had not checked the list of ingredients of the Medicine until after the Player had received the results of her Sample, once she was made aware of the results, she had checked the ingredients. However, given that this was listed as 'dl-Methylephedrine Hydrochloride' she had looked under the letter 'd' rather than the letter 'm' and failed to find the substance on the Prohibited List.
51. At the Hearing, the Player further confirmed that she was not aware of Global Drug Reference Online) ("**Global DRO**") (see paragraph 74 of the Decision, below) but that having been made aware of it, she would now make use of this resource. She emphasised that at no point did she intend to commit an ADRV and did not understand at the time how risky over-the-counter medication could be.
52. Since the Charge, the Player has made significant changes to prevent any reoccurrence:

- (1) The Player has consistently stayed in official tournament hotels to avoid exposure to unregulated conditions, e.g. during a tournament in January and March 2025 in Monastir, Tunisia, even if this means cutting costs elsewhere, such as flight and travel costs.
  - (2) The Player has refrained from using medication during tournaments unless she is severely unwell, and only once this has been checked and verified with tournament officials and/or medical staff onsite. The Player now only uses medication with an English label that she can check herself against the Prohibited List.
  - (3) The Player has started a medication log to list the medications and/or supplements she has taken, the dosage, the date of ingestion, the reason for consumption, and whether she has checked the medication or supplement against the Prohibited List. She further stated in writing that so far, she has not taken any medication or supplement since the Event.
  - (4) On 13 April 2025, the Player undertook the ITF World Tennis Tour - Player Education Course which includes a section on anti-doping rules.
  - (5) In March 2025, the Player was tested at the WTA W35 event in Sabadell, Spain.
53. The Player has offered a written apology and affirmed her commitment to clean sports. She also made a verbal statement at the Hearing. It was submitted on her behalf that the appropriate Consequence to be imposed was a reprimand, or, at most, a period of three (3) months' Ineligibility. The Player did not dispute that any period of Ineligibility should commence on the date of the Independent Tribunal's decision.

## **F. Submissions of the ITIA**

54. The ITIA accepted that pursuant to TADP Article 3.1.1, the burden was on the ITIA to establish each of the elements of the ADRVs charged "*to the comfortable satisfaction of the hearing panel*".

55. The ITIA accepted that the Player had established that it was more likely than not that the presence of Methylephedrine in the Sample, taken on 10 October 2024, was due to its presence as a listed ingredient in the Medicine, a common cold medication sold over-the-counter in Japan, which the Player had taken in the days prior to/on the day of the collection of the Sample.
56. It was submitted that the only issue for determination by the Independent Tribunal, was the Consequences to be imposed for the Player's ADRVs, determined by the degree of Fault to be attributed to the Player for the same.
57. As stated above, Methylephedrine is a stimulant which is a Prohibited Substance prohibited In-Competition only (when the concentration is greater than 10 micrograms per millilitre) and listed in Section S6.B: Specified Stimulants of the Prohibited List. Therefore, it was submitted by the ITIA that Methylephedrine is a Specified Substance.
58. The ITIA relied on the definition of '*In-Competition Periods*' to argue that the Player's Use of the Medicine was In-Competition and TADP Article 10.2.3.1 was not applicable. The qualifying draw for the Event commenced on 6 October 2024 and the Event lasted until 13 October 2024. The Player played on 6, 7, 9, and 10 October 2024 and Used the Medicine on 8, 9, and 10 October 2024. The Sample was collected on 10 October 2024.
59. TADP Article 2.1 is a Strict Liability offence. The ITIA is not required to show how the substance got into the Player's system, or that the substance enhanced the Player's performance. The ITIA must only prove, to the comfortable satisfaction of the Independent Tribunal that the Sample provided by the Player had a Prohibited Substance (or any of its Markers or Metabolites) present in it for which the Player did not have a Therapeutic Use Exemption ("**TUE**").
60. The ITIA has also charged the Player with a 'Use' violation under TADP Article 2.2. It must prove Use (i.e., the "*utilisation, application, ingestion, injection or consumption by any means whatsoever*") of a Prohibited Substance by the Player which may be established by "*any reliable means, including admissions*" (TADP Article 3.2.1). Use is a Strict Liability offence (TADP Article 2.2.1). The ITIA does not have to prove the source of the Prohibited Substance Used by the Player.

61. The ITIA submitted that the Charge must be upheld since all elements of TADP Articles 2.1 and 2.2 were established in the present case: (i) the Doping Control Form shows, and the Player did not dispute, that the Sample was provided by the Player at the Event on 10 October 2024; (ii) the AAF reported by the Laboratory in respect of Sample A and confirmed by the Laboratory's analysis of Sample B established that Methylephedrine was present; and (iii) the Player did not have a TUE for Methylephedrine. In any event, the Player admitted to the ADRVs.
62. The ITIA invited the Independent Tribunal to make the following findings –
- (1) The Player has committed ADRVs under TADP Articles 2.1 and 2.2, in that Methylephedrine was present in the Sample, collected In-Competition on 10 October 2024;
  - (2) The ADRVs were caused by her consumption of 'Shin Lulu A Gold s', a medication sold over-the-counter in Japan, which contains Methylephedrine as a listed ingredient; and
  - (3) The Player bore No Significant Fault or Negligence for the violation within the meaning of TADP Article 10.6.1.1, but that the Player cannot establish that she bore No Fault or Negligence for the violation.
63. The ITIA invited the Independent Tribunal to impose the following sanctions –
- (1) A period of Ineligibility of 12 months commencing on the date of the Independent Tribunal's decision; and
  - (2) Disqualification of the Player's results achieved in the Event, pursuant to TADP Article 9.1, with all resulting Consequences, including forfeiture of all medals, titles, ranking points and Prize Money.
64. The ITIA accepted that the Player's commission of the ADRVs was not 'intentional' within the meaning of TADP Articles 10.2.1 and 10.2.3. The jurisprudence is clear that what counts is what the Player actually knew, not what she should have known. The ITIA did not contest the Player's evidence that she did not, at the time of taking the Medicine, actually know that it contained Methylephedrine, or that there was a significant risk that it

did. The ITIA accepted that the Player did not intend to cheat and therefore, submitted that the two (2) year period of Ineligibility set out in TADP Article 10.2.2 should apply, subject to potential further mitigation.

65. TADP Article 10.5 provides that if a player establishes that they bear No Fault or Negligence for the ADRV, then the otherwise applicable period of Ineligibility will be eliminated. TADP Article 10.6.1.1 provides that where the ADRV involves a Specified Substance and a player can establish that they bear No Significant Fault or Negligence, then the otherwise applicable two (2) year period of Ineligibility may be reduced by up to 100% (with the amount of reduction depending on the degree of the player's Fault), in which case there would be a reprimand only.
66. The difference between TADP Article 10.5 and TADP Article 10.6.1.1 *"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"* (IBAF v Luque, IBAF Anti-Doping Tribunal decision, dated 13 December 2010, para 6.10). Whilst TADP Article 10.5 deals with the extent to which the Player departed from the duty of utmost caution, TADP Article 10.6.1.1 deals with whether there was any acceptable explanation for that failure.
67. The standard of *"utmost caution"* is very onerous and requires the Player to show that she *"made every conceivable effort to avoid taking a prohibited substance"* (Knauss v FIS, CAS 2005/A/847, para 7.3.1). *"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"* (WADA v NSAM et al, CAS 2007/A/1395, para 80). Therefore, *"[...] 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"* (Adams v CCES, CAS 2007/A/131, para 42).
68. The ITIA referred to the CAS decisions of *Cilic v ITF* CAS 2013/A/3327 and *ITF v Cilic* CAS 2013/A/3335 which set out three degrees of Fault –

*“The decisive criterion based on which the period of ineligibility shall be determined within the applicable range of sanctions is fault. There are three degrees of fault which can be applied to the possible sanction range of 0 – 24 months: (a) significant degree of or considerable fault, with a sanction range from 16 to 24 months, and a “standard” significant fault leading to a suspension of 20 months; (b) normal degree of fault, with a sanction range from 8 to 16 months, and a “standard” normal degree of fault leading to a suspension of 12 months; (c) light degree of fault, with a sanction range from 0 to 8 months, and a “standard” light degree of fault leading to a suspension of 4 months. In order to determine into which category of fault a particular case might fall, it is helpful to consider both the objective and the subjective level of fault. The objective element describes what standard of care could have been expected from a reasonable person in the athlete’s situation. The subjective element describes what could have been expected from that particular athlete, in light of his personal capacities. The objective element should be foremost in determining into which of the three relevant categories a particular case falls. The subjective element can then be used to move a particular athlete up or down within that category. In exceptional cases, it may be that the subjective elements are so significant that they move a particular athlete not only to the extremity of a particular category, but also into a different category altogether. That would be the exception to the rule, however”.*

69. The panel went on to state that in determining the objective degree of Fault –

*“At the outset, it is important to recognise that, in theory, almost all anti-doping rule violations relating to the taking of a product containing a prohibited substance could be prevented. The athlete could always (i) read the label of the product used (or otherwise ascertain the ingredients), (ii) cross-check all the ingredients on the label with the list of prohibited substances, (iii) make an internet search of the product, (iv) ensure the product is reliably sourced and (v) consult appropriate experts in these matters and instruct them diligently before consuming the product.*

*However, an athlete cannot be reasonably expected to follow all of the above steps in every and all circumstances. Instead, these steps can only be regarded as reasonable in certain circumstances:*

- a. For substances that are prohibited at all times (both in and out-of-competition), the above steps are appropriate, because these products are particularly likely to distort competition [...] As a result, an athlete must be particularly diligent and, thus, the full*

*scale of duty of care designed to prevent the athlete from ingesting these substances must apply.*

*b. For substances prohibited in-competition only, two types of cases must be distinguished:*

*i. The prohibited substance is taken by the athlete in-competition. In such a case, the full standard of care described above should equally apply.*

*ii. The prohibited substance is taken by the athlete out-of-competition (but the athlete tests positive in-competition). Here, the situation is different.*

*[...].*

70. The panel in *Cilic* went on to state in relation to the subjective element that –

*“[...] matters which can be taken into account in determining the level of subjective fault can for example be [...]:*

*a. An athlete’s youth and/or inexperience [...];*

*b. Language or environmental problems encountered by the athlete [...];*

*c. The extent of anti-doping education received by the athlete (or the extent of anti-doping education which was reasonably accessible by the athlete) [...];*

*d. Any other “personal impairments” such as those suffered by:*

*i. an athlete who has taken a certain product over a long period of time without incident [...];*

*ii. an athlete who has previously checked the product’s ingredients [...];*

*iii. an athlete who is suffering from a high degree of stress [...];*

*iv. an athlete whose level of awareness has been reduced by a careless but understandable mistake [...].*

71. The ITIA submitted that by applying *Cilic*, the objective Fault would place the Player in the most serious category. However, the ITIA did not consider that the circumstances of the Player’s case demonstrated ‘Significant Fault’, since the subjective factors were

exceptional such as to move her into the middle category of 'normal degree of Fault'. Since the Player took the Medicine containing Methylephedrine In-Competition, therefore, in ascertaining the objective level of Fault, the full standard of care should apply.

72. The Player accepted that Methylephedrine was a listed ingredient ('*dl-Methylephedrine Hydrochloride*') which appeared on the box and bottle (both in Japanese) of the Medicine. Therefore, it was objectively possible from reading the label of the product and cross-checking this against the Prohibited List to ascertain that the Medicine contained a Prohibited Substance. This step could have been expected from a reasonable person in the Player's situation, and the Player's Mother could, and should, have noted the clearly listed Methylephedrine as one of the ingredients of the Medicine. The Player did not make use of any translation tools, e.g. Google Translate, which may have been available to her to personally check the packaging of the Medicine.
73. Neither the Player, nor the Player's Mother, consulted a practitioner experienced in anti-doping. The Player did not contact anyone within her own Federation, or the Japan Anti-Doping Agency ("**JADA**") for assistance. Although the Player's commitment to ensuring she does not inadvertently commit an ADRV again was reassuring, this did not reduce the subjective degree of Fault in circumstances where steps could, and should, have been taken prior to the ADRV occurring.
74. At the Hearing, the ITIA referred to Global DRO, which is a tool that can be used to check the status of medications sold in various countries, including Japan. The ITIA confirmed that information relating to, and the reference to Global DRO was, at the time of the Event, and continues to be, available on its website. The ITIA's webpage contains provisions specifically addressing medications which states inter alia as follows –

**"Overview**

***It is important to be aware that medications may contain prohibited substances. Players are responsible for checking their medication before using it - even if they have used it before - as the status of individual substances can change over time. The substances included in medications may also vary from country to country. You should consult your doctor or someone from your National Anti-Doping Organisation who is familiar with the Prohibited List and the TADP.***

*If you are unsure if a medication or product contains a Prohibited Substance there are a number of online tools you can use to check the status of your medication/product. One of these is GlobalDRO*

### **Global Drug Reference Online (DRO)**

**Global Dro is a useful tool to check the status of medications sold in Australia, Canada, Japan, New Zealand, Switzerland, the United Kingdom, and the United States.**

Global DRO provides athletes and support personnel with information about the anti-doping status of specific medications and ingredients based on the current WADA Prohibited List. Global DRO provides the user with a unique reference number for each search.

*A medication or a method can be checked by simply selecting your sport, user type (e.g. athlete) and the country of purchase from a drop-down menu. You can then type in the medication name or the active medical ingredient listed on the label, and the website will provide the search results. GlobalDRO will provide you with information on whether the substance is permitted in or out of competition, by what route of administration and in what dosage. It also lists other names of the medication, along with its WADA classification (e.g. anabolic agents, stimulants, diuretics etc)."*

75. The ITIA accepted that the Player's age (18 at the time of the ADRV), relatively limited experience on the ITF Women's circuit, and the extent of anti-doping education that she had already received from the ITIA were relevant to her subjective degree of Fault. The Player completed the Tennis Integrity Protection Programme on 5 January 2023, which is an online tool that assists players in understanding their obligations under both the TADP and Tennis Anti-Corruption Program. The Player completed further ITIA anti-doping education on 19 April 2025. The ITIA accepted that this was the Player's first ADRV, that she did not actually read Japanese, and that she was staying in a foreign and unusual environment at the time of the ADRV.
76. The ITIA referred the Independent Tribunal to the following cases –
- (1) *ITIA v Fetecău* (decision of Independent Tribunal, dated 25 April 2025) – a tennis player tested positive for 4-methylpentan-2-amine after ingesting a Contaminated Product (defined at TADP Appendix One 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”). She received a period of Ineligibility of ten (10) months.*

- (2) *ITIA v Chaurasia* (ITIA decision, dated 8 May 2025) – a tennis player tested positive for terbutaline after ingesting an over-the-counter cough medication (with a brand name of Brozeet and which listed Terbutaline as an ingredient) during an event to treat symptoms of cold, cough, and chest congestion. He admitted the ADRVs and it was accepted that he bore No Significant Fault or Negligence for the violation. He received a period of Ineligibility of 12 months.

77. The ITIA submitted that the appropriate period of Ineligibility, in light of the Player’s ‘normal’ degree of Fault, that should be imposed is 12 months. The Player’s degree of Fault was said to be akin to that in *Chaurasia* and must be higher than that in *Fetecău*, since Methylephedrine was in fact listed as an ingredient of the Medicine.
78. The ITIA submitted that the start date of the period of Ineligibility should commence on the date of the Independent Tribunal’s decision in this matter, pursuant to the general rule in TADP Article 10.13. The Player has not served a period of Provisional Suspension (TADP Article 10.13.2) nor have there been substantial delays in the hearing process (TADP Article 10.13.1) which would serve as an exception to the general rule.
79. The ITIA relied on TADP Article 9.1 to argue that the results achieved in the Event should be automatically Disqualified. The ITIA submitted that TADP Article 10.10 provides that results obtained by the Player subsequent to the Sample collection (i.e., from 2 April 2024) “will be Disqualified”, “[u]nless fairness requires otherwise”. “Fairness” must be assessed by considering the circumstances of the case “in the round”, i.e., in conjunction with the Independent Tribunal’s other sanctioning powers, so as to arrive at a result that “meets the justice of the case overall” (*ITF v Koubek*, Independent Tribunal decision, dated 18 January 2005, para 95). At the Hearing, Ms. Lowis confirmed that the reference to the date of 2 April 2024 should in fact be to the date when the Sample was collected, i.e. 10 October 2024.
80. In its written submissions, the ITIA stated that it would make further submissions at the Hearing regarding the forfeiture (or otherwise) of results achieved at subsequent events

(on the basis of a period of Ineligibility being imposed by the Independent Tribunal, under TADP Article 10.10). At the Hearing, the ITIA confirmed that although the usual position under TADP Article 10.10 was that any other results obtained by the Player in Competitions taking place in the period starting on the date that the Sample was collected and ending on the commencement of the Ineligibility period would be Disqualified, with all resulting Consequences, including forfeiture of any medals, titles, ranking points and Prize Money, the ITIA considered that fairness requires otherwise and that only the results from the Event itself should be Disqualified. Therefore, the ITIA was not seeking the Disqualification of any of the Player's other Competitions following the Event.

81. Although the ITIA referred to a recent anti-doping decision in its closing submissions, Ms. Lewis submitted that it had not been the intention of the ITIA to ambush the Player and sensibly conceded that in light of the Independent Tribunal not being provided with a copy of the decision which had likewise not been made available to the Player or her counsel, that the Independent Tribunal should take no regard of that decision referred to by the ITIA in its closing submissions.

## **G. Discussion**

82. The Independent Tribunal has been greatly aided by the helpful submissions of both Ms. Lewis and Ms. Simpson, as well as the co-operative manner in which both Parties have approached this matter.
83. The Player admitted liability to the Charge. Therefore, the only issue to be determined by the Independent Tribunal was in relation to that of sanction.
84. The Independent Tribunal agreed that the test as set out in the case of *Cilic* (see paragraph 68 of this Decision, above) should be applied in the present case. Applying that test, the ITIA very sensibly conceded that this matter was one which fell within the '*normal degree of fault*' with a sanction range from 8 to 16 months, and a "*standard*" normal degree of Fault leading to a suspension of 12 months. Although the Independent Tribunal did not consider that there was a 'significant' degree of Fault in this matter, it also did not consider

that there was a 'light' degree of Fault, and agreed with the ITIA that the matter falls squarely within the category of '*normal degree of fault*'.

85. As emphasised by the CAS panel in the case of *Cilic*, almost all ADRVs relating to the taking of a product containing a Prohibited Substance can be prevented. The present case was no exception, and the Independent Tribunal considered that the Player could have, and should have, taken all reasonable steps including further precautions to ensure that she was compliant with the TADP.
86. The outer packaging of the Medicine was in Japanese. The back of the outer packaging box sets out the expiry date of July 2027, as well as a list of ingredients, including 60mg of 'dl-Methylephedrine Hydrochloride'. The bottle which contained the Medicine again had a label stuck to it which listed 'dl-Methylephedrine Hydrochloride' as one of the ingredients. In addition, there was a standalone paper leaflet, in Japanese, which stated inter alia that the Medicine contained various ingredients including 60mg of 'dl-Methylephedrine Hydrochloride'.
87. Given that the Medicine contained information in three different places which set out the list of ingredients, it was not unreasonable for the Player to have verified that the Medicine did not contain any Prohibited Substances. Although she does not read Japanese, she frequently travels abroad for tennis tournaments (including to Indonesia, Thailand, and Tunisia) and is not unfamiliar with electronic translation applications. She could have sought advice from JADA or another expert person or organisation or taken further measures to reassure herself that the Medicine did not contain any Prohibited Substances. Since the Event, the Player has taken further precautionary measures which suggests that more could have been done to prevent the Player falling foul of the TADP.
88. The Player had received education and training from the ITIA on anti-doping and other matters, including safeguarding. Although the training took place sometime before the Event, it had very clearly stated, in specific terms, that "[i]t is very important to note that some common medications used to treat illnesses or injuries contain prohibited substances. Therefore, you must always check your medication before taking it" and that "many anti-doping rule violations take place because of accidental or inadvertent doping

*by taking a prohibited substance through medications or dietary supplements that might be contaminated”.*

89. Since the Medicine was purchased in advance of the Event, there was sufficient opportunity for the Player to verify that it did not contain any Prohibited Substances including seeking expert advice and guidance from JADA, or seeking assistance from the Player’s Mother or another Japanese speaker to verify the list of ingredients which were in Japanese. The Player’s Mother stated that discussions with representatives from JADA revealed that Methylephedrine was commonly present in Japanese over-the-counter cold medications to alleviate coughs which has previously resulted in similar unintentional violations involving Japanese athletes.
90. However, there were also a number of mitigating factors in this case which the Independent Tribunal took into account and which the ITIA and the Player have both helpfully outlined. The Player was 18 years old at the time of the Event and was relatively inexperienced, having transitioned from playing ITF World Tennis Tour Juniors events to ITF Women’s World Tennis Tour events in June 2024, being only four months prior to the Event. Her first language is English, and she did not read Japanese. Therefore, she had relied heavily on the advice of her mother (who does speak and read Japanese, and who also occupies the role of a manager in the context of the Player’s tennis career), who in turn had relied on what she believed to be the trusted advice of a reputable Japanese pharmacy company’s registered pharmacists.
91. The Player has at all times cooperated with the ITIA in the investigation and throughout the proceedings and has shown genuine remorse. The ITIA conceded that this was not a case where the Player’s non-compliance with the TADP had been intentional. On the contrary, it was clear to the Independent Tribunal that this was an unfortunate matter where the Player relied heavily on her mother, who had, in turn, relied heavily on what she believed to be the trusted advice of reputable Japanese pharmacists. The Player has clearly learnt a lot from this process and in particular, the need to take personal responsibility and accountability and to take extra precautions prior to ingesting any medication or supplements to ensure she is fully compliant with the TADP.

92. The Independent Tribunal reminded itself that each case must be considered on its own merits and that any previous cases, whilst helpful in providing guidance, must be treated as such and cannot be binding or act as a benchmark against which any sanction may be imposed in the present case.
93. For all the reasons set out above, it was considered that a period of Ineligibility of **ten (10) months** was appropriate in the present case, commencing on the date of the Independent Tribunal's decision. In addition, the Player's results achieved in the Event shall be Disqualified, with all resulting Consequences, including forfeiture of all medals, titles, ranking points and Prize Money from the Event. For the avoidance of doubt, no Disqualification of any other results shall be imposed.

#### **H. Costs**

94. Article 8.5.3 of the TADP provides that “[t]he ITIA will pay the costs of convening the Independent Tribunal and of staging the hearing, subject to any costs-shifting order that the Independent Tribunal may make further to Article 8.5.4”.
95. Article 8.5.4 of the TADP provides that “[t]he Independent Tribunal has the power to make a costs order against any party, where it is proportionate to do so. If it does not exercise that power, each party will bear its own costs, legal, expert, hearing, and otherwise”.
96. Save for the Player's application for the costs of translation of any Japanese documents into English that was made at the Preliminary Meeting, neither Party has made any representation as to costs. The Player did not renew her costs application at the Hearing. Both Parties confirmed at the Hearing that neither of them was seeking costs in this matter. The Independent Tribunal was satisfied that its costs shall be borne entirely by the ITIA, being the default position. Each Party shall bear its own costs incurred in bringing or defending the Charge, as the case may be.

## **I. Right of Appeal**

97. This decision may be appealed to the Court of Arbitration for Sport (“**CAS**”), located at Palais de Beaulieu, Avenue des Bergières 10, CH-1004 Lausanne, Switzerland ([procedures@tas-cas.org](mailto:procedures@tas-cas.org)), in accordance with TADP Article 13.2.1. TADP Article 13.8.1.1 sets the deadline to file an appeal to the CAS, which is 21 days from the date of receipt of this Decision.

## **J. Conclusion**

98. The Independent Tribunal finds that the Charge is proven.
99. The Player shall be subject to a period of Ineligibility of ten (10) months commencing on the date of this Decision. In addition, the Player’s results achieved in the Event shall be Disqualified, with all resulting Consequences, including forfeiture of all medals, titles, ranking points and Prize Money from the Event.
100. Subject to the right of appeal set out at paragraph 97 above, this Decision is final and binding on all Parties with no further right of appeal or challenge to any further body.
101. Each Party shall bear its own costs incurred in bringing or defending the Charge, as the case may be. The costs of convening the Independent Tribunal shall be borne by the ITIA in its entirety.



Ms. Grace Cheng  
(Chair)



Ms. Helle Qvortrup



Prof. Isla Mackenzie

On behalf of the Independent Tribunal

7 August 2025

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ENABLING FAIR PLAY