

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF
WORLD ATHLETICS**

Before:
Mr Dennis Koolgaard (Chair)
Ms Harveen Thauli
Mr Stefan Fabien

BETWEEN:

World Athletics

Anti-Doping Organisation

and

Mr Issamade Asinga

Respondent

DECISION OF THE DISCIPLINARY TRIBUNAL

A. INTRODUCTION

1. World Athletics (“**WA**”) is the governing body for the sport of athletics worldwide, having its registered seat in Monaco. In these proceedings, WA is represented by the Athletics Integrity Unit (the “**AIU**”), pursuant to Rule 1.2.2 of the World Athletics Anti-Doping Rules in force from 1 January 2024 (the “**2024 ADR**”). Throughout these proceedings, the AIU was represented by Ms Louise Reilly, Mr Nicolas Zbinden, and Mr Robert Kerlake of Kellerhals Carrard, Lausanne, Switzerland, and Mr Tony Jackson, AIU Deputy Head of Case Management, Monte-Carlo, Monaco.

2. The Respondent, Mr Issamade Asinga (the “**Athlete**”) is a 19-year-old sprinter of Surinamese nationality, residing in the United States of America. The Athlete, *inter alia*, ran 9.89 seconds to win the 100 meters on 28 July 2023 at the South American Championships, breaking the U20 World Record and South American Record. Throughout these proceedings, the Athlete was represented by Mr Paul J. Greene and Mr Matthew D. Kaiser of Global Sports Advocates, LLC, Portland, Maine, United States of America.
3. The AIU and the Athlete are hereinafter jointly referred to as the “**Parties**”.
4. These proceedings concerned a charge filed by the AIU against the Athlete for an alleged Anti-Doping Rule Violation (the “**ADRV**”) of Rule 2.1 of the World Athletics Anti-Doping Rules in force from 31 March 2023 (the “**ADR**”) (entitled “*Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample*”) and of Rule 2.2 of the ADR (entitled “*Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*”) for the presence of metabolites of GW1516 in the Athlete’s Out-of-Competition urine Sample of 18 July 2023 and use of GW1516. WA, *inter alia*, seeks the imposition of a four-year period of Ineligibility on the Athlete.
5. The Athlete submits that the likely source of his positive test is a Contaminated Product, that his fault was not significant in relation to his ADRV, and that he is therefore entitled to a sanction at the lowest end of the 0-to-24-month range (crediting the Provisional Suspension already served since 9 August 2023) that makes him immediately eligible to compete.

B. FACTUAL BACKGROUND

6. On 11 June 2023, the Athlete provided a urine Sample Out-of-Competition. This Sample tested negative. Upon re-analyses this Sample also tested negative.
7. On 18 July 2023, the Athlete provided a urine Sample Out-of-Competition in Clermont, United States of America. On the corresponding Doping Control Form (the “**DCF**”), the Athlete disclosed having used, *inter alia*, the supplement “*Gatorade Recovery*”.

8. Analysis of the 18 July 2023 A Sample by the WADA-accredited laboratory in Lausanne, Switzerland (the “**Lausanne Laboratory**”) revealed an Adverse Analytical Finding (the “**AAF**”) for the presence of metabolites of GW1516 (GW1516 sulfone and GW1516 sulfoxide). GW1516 is a Prohibited Substance under the WADA 2023 Prohibited List under the category S4, Hormone and Metabolic Modulators. It is a non-Specified Substance that is prohibited at all times.
9. The AIU reviewed the AAF and determined that the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) for the metabolites of GW1516 and that there was no apparent departure from the International Standard for Testing and Investigations (the “**ISTI**”) or from the International Standard for Laboratories (the “**ISL**”) that could have reasonably caused the AAF.
10. On 9 August 2023, the AIU issued a Notice of Allegation of ADRVs for the 18 July 2023 A Sample, imposing a Provisional Suspension on the Athlete with immediate effect.
11. On 11 August 2023, the Athlete requested analysis of the 18 July 2023 B Sample.
12. On 15 August 2023, the AIU provided the Athlete with a copy of the B Sample analysis results, which confirmed the AAF in the A Sample.
13. On the same date, 15 August 2023, the Athlete requested that the AIU confirm the availability of the WADA-accredited laboratory in Salt Lake City, Utah, United States of America (“**SMRTL**”), to analyse his vitamins/supplements.
14. On 19 August 2023, the AIU provided the Athlete with a copy of the Laboratory Documentation Package (the “**LDP**”) corresponding to the analysis of the A Sample and the B Sample by the Lausanne Laboratory.
15. On 21 August 2023, the AIU confirmed that SMRTL had capacity to analyse the Athlete’s vitamins/supplements, upon which the Athlete immediately sent opened and sealed jars of Spring Valley melatonin dietary supplement gummies to SMRTL for analysis.
16. On 31 August 2023, the Athlete provided the AIU with an explanation for his AAF. The Athlete’s statement, *inter alia*, indicated that he was given Gatorade products, including Gatorade Recovery Gummies for Athletes Cherry Flavour (“**Gatorade Recovery**

Gummies”) and Gatorade Immune Support Gummies Citrus Flavour (“**Gatorade Immune Support Gummies**”), at the ceremony on 10 July 2023 where he won the title of Gatorade 2023 National Boys Track and Field Player of the Year and that he had taken all the Gatorade products he was given the week before the 18 July 2023 test.

17. On 1 September 2023, SMRTL provided the AIU and counsel for the Athlete with copies of the analytical reports from its analysis of the Spring Valley melatonin dietary supplement gummies. No Prohibited Substances, including GW1516, were detected in the opened or sealed jars provided by the Athlete.
18. On the same date, 1 September 2023, counsel for the Athlete informed the AIU that the Athlete wanted additional supplements to be tested, including i) Airborne; ii) Gatorade Immune Support Gummies; iii) Gatorade Recovery Gummies; and iv) Skratch Labs Hydration packets.
19. On 5 September 2023, the AIU requested photographs of these additional supplements, together with full details of their purchase and of the Athlete’s ingestion of these supplements in the lead up to 18 July 2023.
20. On 15 September 2023, the Athlete followed up on the AIU’s request, indicating, *inter alia*, that he had ingested Gatorade Immune Support Gummies (lot number 22091937150233) and Gatorade Recovery Gummies (lot number 22092117150234).
21. On 22 September 2023, SMRTL received eight types of products from the Athlete, including two containers of Gatorade Immune Support Gummies (unsealed) from lot number 22091937150233 and two containers of Gatorade Recovery Gummies (unsealed) from lot number 22092117150234.
22. On 6 October 2023, SMRTL informed the AIU that there was a “*preliminary finding*” in the Gatorade Immune Support Gummies and the Gatorade Recovery Gummies that required follow-up (including the procurement of sealed containers of the same products from the same lot).
23. On 6 December 2023, the AIU provided the counsel for the Athlete with copies of results from the preliminary screening analysis, summarised as follows:

Supplement	Specimen ID	Batch/Lot#	Preliminary Screen Result
Gatorade Immune Support Gummies (Citrus) (open)	SUPP-230922-02	22091937150233	Presumptive findings for GW501516 and GW501516 sulfoxide
Gatorade Recovery Gummies (Cherry) (open)	SUPP-230922-03	22092117150234	Presumptive findings for GW501516 and GW501516 sulfoxide
Gatorade Recovery Gummies (Cherry) (open)	SUPP-230922-04	22092117150234	GW501516 and GW501516 sulfoxide not detected

24. Following an agreement between the Athlete and the AIU that if no sealed containers of the Gatorade supplements with the same lot number had been obtained by the AIU by 15 December 2023, SMRTL would be instructed to proceed with a confirmation analysis in their absence, and because no such sealed containers were obtained, the AIU instructed SMRTL to proceed with a confirmation analysis.
25. On 21 December 2023, the AIU received copies of analytical reports from SMRTL from its confirmation analysis performed on the above products. GW1516 and GW1516 sulfoxide were detected in the Gatorade Recovery Gummies with lot number 22092117150234 as summarised below:

Supplement	Specimen ID	Batch/Lot#	Confirmation Result
Gatorade Immune Support Gummies (Citrus) (open) 56/60 gummies	SUPP-230922-02	22091937150233	No Prohibited Substances detected
Gatorade Recovery Gummies (Cherry) (open) 3/60 gummies	SUPP-230922-03	22092117150234	Gummy 1: GW501516 (total 610ng/gummy) 220ng/g (exterior) 3.4ng/g (interior) GW501516 sulfoxide (total 40ng/gummy) 14ng/g (exterior) 1.3ng/g (interior) Gummy 2: GW501516 (total 810ng/gummy) 250ng/g (exterior) 4.8ng/g (interior) GW501516 sulfoxide (total 50ng/gummy) 15ng/g (exterior) 2.4ng/g (interior)
Gatorade Recovery Gummies (Cherry)	SUPP-230922-04	22092117150234	Gummy 1: GW501516 (total 1.5ng/gummy) 0.6ng/g (exterior) - (interior)

(open) 35/60 gummies			GW501516 sulfoxide (nil) - (exterior) - (interior) <u>Gummy 2:</u> GW501516 (total 0.65ng/gummy) 0.2ng/g (exterior) - (interior) GW501516 sulfoxide (nil) - (exterior) - (interior) <u>Gummy 3:</u> No Prohibited Substances detected
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26. On 5 April 2024, after the AIU obtained a sealed container of Gatorade Recovery Gummies with lot number 22092117150213 (i.e. a different lot number of the Gatorade Recovery Gummies provided for analysis by the Athlete), the Lausanne Laboratory issued a Test Report, concluding that no GW1516 was detected.

C. PROCEDURE BEFORE THE DISCIPLINARY TRIBUNAL

27. On 5 April 2024, the AIU issued a notice of charge (the “**Notice of Charge**”). The Notice of Charge provides, *inter alia*, as follows:

“Pursuant to the foregoing, you are hereby charged with committing the following Anti-Doping Rule Violations (the ‘Charge’):

2.1.1. Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample, pursuant to Rule 2.1, by virtue of the presence of Metabolites of GW1516 in the Sample; and

2.1.2. Use of a Prohibited Substance (i.e., GW1516), pursuant to Rule 2.2.”

28. On 10 April 2024, the appointment of Mr Dennis Koolaard as Chair of the Panel was confirmed.
29. On 11 April 2023, the Chair ratified the directions mutually agreed upon by the Parties, including the expedited carriage of the matter (the “**Directions**”). The Parties subsequently varied the Directions with the consent of the Chair.
30. On 12 April 2024, the appointment of Ms Harveen Thauli and Mr Stefan Fabien was confirmed to hear the matter alongside the Chair (the “**Panel**”). No objections were raised by the Parties with respect to the appointment or composition of the Panel.

31. On 21 April 2024, the Athlete filed his Brief.
32. On 26 April 2024, the AIU filed its Reply Brief.
33. On 30 April 2024, a hearing took place via Zoom video conference. Besides the Panel, and Ms Kylie Brackenridge and Ms Freya Pock of the Disciplinary Tribunal Secretariat, the following persons attended the hearing:

On behalf of World Athletics

- Mr Tony Jackson, AIU Deputy Head of Case Management;
- Ms Louise Reilly, Counsel;
- Mr Nicolas Zbinden, Counsel;
- Mr Robert Kerslake, Counsel.

On behalf of the Athlete

- Mr Issamade Asinga, the Athlete;
- Mr Paul J. Greene, Counsel;
- Mr Matthew D. Kaiser, Counsel.

Witnesses and expert witnesses in order of appearance

- Mr Issamade Asinga, the Athlete;
- Witness A, former employee of Better Nutritionals, LLC, witness called by the AIU;
- Witness B, former employee of Better Nutritionals, LLC, witness called by the AIU;
- Ms Ngozi Asinga, the Athlete's mother, witness called by the Athlete;
- Dr Ryan Van Wagoner, Senior Scientist SMRTL, witness called by the AIU;

- Mr John Travis, Principal Technical Manager of the NSF Certified for Sport Program, witness called by the Athlete;
- Dr Paul Scott, Principal and Chief Executive Officer of Korva Scientific, expert witness called by the Athlete;
- Prof Martial Saugy, PhD, expert witness called by the AIU.

Observer

- Ms Rochelle Clark, Corporate Counsel of the NSF Certified for Sport Program, observer during the testimony of Mr Travis.

34. The Athlete also filed witness statements from Mr Tommy Asinga, the Athlete's father, and Mr Pat Henry, the Athlete's coach at Texas A&M University. Their witness statements were accepted as evidence in chief and the AIU waived its right to cross-examine them, without, however, necessarily accepting that evidence as true to its content and uncontested. The AIU reserved the right to make submissions on the reliability and weight of these witness statements. No further submissions were made in this respect by the AIU.
35. At the outset of the hearing, the Athlete requested that five new documents be admitted on file (an updated LinkedIn profile of Witness B, two emails of Witness A that were already part of the case file, a letter of Witness A that was already part of the case file, and a scientific publication co-authored by Dr Van Wagoner). The AIU objected to the admissibility of these documents.
36. After having heard from the Parties on the content and late submission of the documents filed and after having deliberated, the Panel informed the Parties that all five documents were admitted on file. Witness B's LinkedIn profile is publicly available information, and it could not be excluded that an amendment made to his profile the day before the hearing could have a certain bearing on the case. Witness A's emails and letter were already included in the case file (albeit within a large number of documents derived from Better Nutritionals, LCC's bankruptcy proceedings), so the Panel also decided to admit these documents on file. Finally, the Panel considered that the scientific publication was publicly available information and in view of the replacement of Dr Daniel Eichner, President and

Laboratory Director of SMRTL, by Dr Van Wagoner on the day before the hearing, the Panel decided to admit this document on file as well. The Panel also indicated that it would, of course, be for the Panel to allocate the appropriate evidentiary weight to the documents admitted.

37. Both Parties were given full opportunity to present their cases, submit their arguments, and answer the questions posed by the members of the Panel. In fact, on several occasions, the Panel afforded the Parties more time for examination and cross-examination than was allocated to them in the tentative hearing schedule agreed upon between the Parties.
38. During the closing statements, the AIU objected to the use of a visual presentation displayed by the counsel for the Athlete, alleging that this would comprise an inadmissible new document. The Chair dismissed the objection on the premise that it was presumed the presentation would not contain any new evidence and invited the AIU to object to any potential new evidence being displayed. No further objections were raised by the AIU.
39. At the end of the hearing, both Parties expressly confirmed their satisfaction with the way the proceedings were conducted and that their right to be heard had been respected. No complaints or objections were raised.
40. On 5 May 2024, the Panel was informed that the Athlete's deadline for entry to compete in the SEC Championships commencing on 9 May 2024 was 6 May 2024 at 6 p.m. ET.
41. Following the receipt of such information, the Panel decided to issue the operative part of this award on 6 May 2024 before 6 p.m. ET.

D. APPLICABLE LAW AND JURISDICTION

42. No jurisdictional issues arise in this matter.
43. In accordance with Rule 1.7.2(b) of the 2024 ADR, an ADRV that is brought after the entry into force of the 2024 ADR, on 1 January 2024, is governed by the substantive anti-doping

rules in effect at the time the alleged ADRV occurred, unless the hearing panel determines that the principle of *lex mitior* appropriately applies under the circumstances of the case.

44. Accordingly, since the alleged ADRV took place on 18 July 2023, the 2023 ADR (referred to in the present Award as the ADR) governs the substance of the matter at hand, whereas procedural matters are governed by the 2024 ADR.
45. In accordance with Rule 1.4.2(f)(i) of the ADR, given that the Athlete was in the International Registered Testing Pool at all material times, it follows that he is an International-Level Athlete, in accordance with of Rule 1.4.4(a) of the ADR and therefore, the ADR is applicable to him. Since these requirements are not materially different in the 2024 ADR, the 2024 ADR is also applicable to the Athlete.
46. Pursuant to Rule 1.3 of the 2024 ADR in conjunction with Rule 8.2(a) of the 2024 ADR, the WA Disciplinary Tribunal has jurisdiction over all matters where ADRVs are asserted.

E. POSITION OF THE PARTIES

47. The following summaries of the Parties' positions are illustrative only and do not necessarily encompass each and every contention put forward by the Parties. The Panel, however, has carefully considered all the submissions made by the Parties, even if no explicit reference is made in the summaries that follow. For the sake of clarity, the arguments and contentions made in section E of the Award are the positions of the Parties and they should not be mistaken for the Panel's findings, which are set forth separately in section F of the Award.

A. World Athletics' Brief

48. The Parties agreed that the Notice of Charge and the exhibits enclosed thereto would serve as the AIU's Brief. In the Notice of Charge, the AIU concluded that the information submitted by the Athlete failed to explain the AAF for the following reasons:

- i. On 21 December 2023, SMRTL issued analytical results of the confirmation procedure of the Gatorade Recovery Gummies, supplied by the Athlete, to the AIU. SMRTL noted two unusual aspects in those results: i) the large discrepancy in the findings between the two containers of Gatorade Recovery Gummies; and ii) the contamination was initially present on the surface of the Gatorade Recovery Gummies with limited diffusion of the adulterant to the interior of the gummy (rather than the contaminant being uniformly distributed throughout the gummy at the time of manufacture). SMRTL concluded that, taken together, and in the absence of a factory-sealed version of the Gatorade Recovery Gummies with the same lot number tested, it was not possible to rule out deliberate adulteration of the product after it was opened.
- ii. As a result of the AIU's enquiries to obtain additional information from Gatorade/PepsiCo and the National Sanitation Foundation (the "**NSF**"), the AIU obtained a witness statement from Witness B, former employee of Better Nutritionals, LLC ("**Better Nutritionals**"), the manufacturer of the Gatorade Recovery Gummies.
- iii. In summary, Witness B explained that the Gatorade Recovery Gummies ingested by the Athlete (lot number 22092117150234) are the same as the Gatorade Recovery Gummies with lot number 22092117150213, which were analysed through the NSF Certified for Sport programme (and which did not contain GW1516). Witness B explained that the lot number on the jars is different only due to a relabelling process that was undertaken after the results of the NSF testing had been obtained.
- iv. A sealed jar with lot number 22092117150213 was tested by the Lausanne Laboratory and no GW1516 was detected.

B. The Athlete's Brief

49. The Athlete's position in his Brief can be summarised as follows:
- i. Just one week before his positive test, the Athlete was honoured as Gatorade's 2023 National Boys Track and Field Player of the Year at a ceremony in Los Angeles, where he was given two containers of Gatorade Recovery Gummies. The Athlete

had consumed the Gatorade Recovery Gummies because they boasted the gold standard for clean supplements: the NSF Certified for Sport logo.

- ii. The Athlete was shocked to find out (after testing positive) that the Gatorade Recovery Gummies he was given were not actually NSF Certified for Sport as had been claimed, because they were not batch-tested. The Gatorade Recovery Gummies given to the Athlete had lot number 22092117150234. The NSF Certified for Sport lot numbers for Gatorade Recovery Gummies were instead lot numbers 22092117150213 and 22121517150234.
- iii. The Athlete was also shocked because GW1516 was present in multiple gummies in each of the two containers of Gatorade Recovery Gummies. SMRTL found that nanogram amounts of GW1516 and its sulfoxide metabolite were present on the exterior and interior of the Gatorade Recovery Gummies.
- iv. The Athlete and the AIU tried to obtain sealed containers of the same batch of Gatorade Recovery Gummies that the Athlete had used, but the Athlete was informed by a Gatorade representative that the Gatorade Recovery Gummies had been discontinued because of “*manufacturing issues*”. There were no sealed versions of the same batch available anywhere for purchase. Thus, through no fault of his own, the Athlete could not satisfy the AIU since it maintained that he could only prove his innocence by testing a sealed version.
- v. Gatorade seemed to be implying, with nothing to support its position, that the Athlete had manipulated the Gatorade Recovery Gummies sometime after being notified of his positive test on 9 August 2023, and that the Athlete’s manipulation (and not contamination during the manufacturing process) had caused GW1516 to be present in the Gatorade Recovery Gummies. This implication is ludicrous and false.
- vi. The Gatorade Recovery Gummies are gel blocks. No one could contaminate blocks like these on the interior without leaving a sign. The varying low nanogram amounts of GW1516 (and GW1516 sulfoxide metabolite) detected in different parts of the Gatorade Recovery Gummies (including both the interior and the exterior) are consistent with contamination in the manufacturing process.

Witness B

- vii. The only “evidence” produced by Gatorade is a solitary statement from Witness B, a disgraced former employee of the third-party company (Better Nutritionals, which filed for bankruptcy on 20 December 2022) hired by Gatorade to produce the Gatorade Recovery Gummies. The claims by Witness B are revealed to be false.
- viii. Witness B is not a credible witness. He failed to explain that his employment with Better Nutritionals ended in December 2022 because he was terminated for cause. In March 2023, he was also sued by Abbott Laboratories for stealing information. Witness B filed a proof of claim as a creditor in the Better Nutritionals bankruptcy case, claiming he is entitled to 1,632,578 USD. Witness B publicly claimed having earned a Master of Science degree in food science from Ohio State University, but under oath in a deposition as part of the Better Nutritionals bankruptcy case, he stated that he had earned such degree from Logan University in St. Louis, Missouri.

Better Nutritionals

- ix. At first blush, it is shocking that the Contaminated Product was made by Gatorade. Yet, upon closer inspection, when one realizes that Gatorade hired a shady third-party company (previously cited by the Food and Drug Administration – the “FDA”) on the brink of bankruptcy to produce its Recovery Gummies, it is not surprising at all that the gummies were contaminated with a banned substance.
- x. When Gatorade hired Better Nutritionals to manufacture the Recovery Gummies during the summer of 2022, it was in a “deep hole”. A bankruptcy filing was imminent. The company’s debt had exceeded 55 million USD.
- xi. Even in its heyday, Better Nutritionals was a company that cut corners. During a nearly month-long inspection of the company’s Gardena facility (where the Recovery Gummies were manufactured) by the FDA in March and April 2019, the FDA Inspector observed that the company “*did not conduct at least one appropriate test or examination to verify the identity of a dietary ingredient, prior to its use.*”

- xii. Witness B wrongly stated that the Better Nutritionals' Gardena manufacturing facility was "*Sport Certified for NSF*" in 2022. In actuality, the facility was an NSF GMP (Good Manufacturing Practices) Registered Manufacturing Facility, which only means that it was complying with federal good manufacturing practices. It says nothing about whether the products produced were free from banned substances.

The Rework Process

- xiii. The AIU claims that the Gatorade Recovery Gummies used by the Athlete (lot number 22092117150234) were "*the same*" as the NSF Certified for Sport Gatorade Recovery Gummies in lot number 22092117150213. Besides the fact that this would have violated United States' federal law (21 CFR 111.3), since the FDA does not permit a dietary supplement to be retroactively backdated with a lot number, it is simply not what happened.
- xiv. Better Nutritionals' own records show that more than 3,000 containers of lot number 22092117150234 were packed and prepared on 29 September 2022, many weeks before Witness B claims the internal code 7150234 was created.
- xv. 12,500 bottles had lot number 22092117150234 printed on the underside and NSF Certified for Sport labels applied weeks before 17 October 2022 (the date lot number 22092117150213 received NSF Certified for Sport approval).
- xvi. There was never a rework process as Witness B claims. It was simply an invention aimed at hiding the truth.
- xvii. Rather, two distinct lots (lot numbers 22092117150234 and 22092117150213) were created prior to being manufactured in September 2022. Somehow, the two distinct lots were mixed up. Lot number 22092117150234 is wrongly referred to as "NSF" on 29 September 2022 (despite not having been certified as such). This error was made on the same day that a sample of lot number 22092117150213 was sent to NSF for evaluation. While evaluation from NSF was pending, Better Nutritionals wrongly referred to 12,500 bottles of lot number 22092117150234 as "*NSF-labelled products*" in an email from Better Nutritionals to PepsiCo, dated 4 October 2022.

- xviii. A small issue arose regarding the relabelling of the master cases that contained the 12,500 containers of Gatorade Recovery Gummies. Rectification of the issue involved printing off a new sticker per case (with an updated SKU number) on the master cases. PepsiCo brought this to Better Nutritionals' attention on 3 October 2022. This was taken care of long before the rework process.

The Contamination of the Gatorade Recovery Gummies

- xix. No evidence supports the claim that the Gatorade Recovery Gummies in lot number 22092117150234 were not contaminated. Either inappropriate cleaning on the day the Gatorade Recovery Gummies were cooked or Better Nutritionals' use of a raw ingredient that was contaminated with GW1516 likely led to the contamination. This type of individual batch contamination happens commonly in the manufacturing of dietary supplements, as the anti-doping community well understands. The Gatorade Recovery Gummies in lot number 22092117150234 were given an NSF Certified for Sport logo label even though it was never batch-tested for banned substances. PepsiCo then allowed contaminated Gatorade Recovery Gummies boasting a false NSF Certified for Sport designation into the stream of commerce. It was all a massive mistake that should have been caught by PepsiCo.
- xx. Since Gatorade failed to produce a sealed version from the same non-NSF Certified for Sport lot given to the Athlete in July 2023, there is no evidence establishing that the Gatorade Recovery Gummies given to the Athlete were clean.

Adulteration by the Athlete

- xxi. Dr Paul Scott, Principal and CEO of Korva Scientific and an expert witness called by the Athlete, confirmed that the most reasonable explanation for the AAF is contamination of the Gatorade Recovery Gummies with GW1516 (and GW1516 sulfoxide metabolite) during the manufacturing process. He agreed "*with SMRTL that it is not possible to rule out deliberate adulteration, however, I think it is implausible that the athlete did so in this case. Referring to the presence of the GW1516 sulfoxide*

found both on the exterior and interior of the gummies, the most reasonable explanation for this is that the conversion happened when the gummy was in a heated state (e.g., during manufacturing when it was in liquid form) or that it took place over an extended time.”

- xxii. Dr Scott further reasoned that spiking the Gatorade Recovery Gummies was unreasonable, because “[t]he approximate concentrations found require extraordinary skill to produce, involving dilutions of 1:100,000 to 1:10,000,000. This is not a reasonable skill or knowledge for a young athlete untrained in lab chemistry to possess. Additionally, the SMRTL testing established that the contamination was found on the inside of the gummies. The skill required to do this without making such adulteration physically obvious is not one reasonably possessed by an athlete untrained in laboratory chemistry. Finally, the presence of GW1516 sulfoxide makes adulteration by the athlete implausible.”

The Athlete’s Legal Submissions

- xxiii. Since the GW1516 came from a Contaminated Product, the Athlete bears No Significant Fault or Negligence. Furthermore, the Athlete’s degree of Fault (both the objective degree of Fault as well as the subjective degree of Fault) lies at the lowest end of the possible sanction range, making him immediately eligible to return to competition given that he has been provisionally suspended for over 8 months (since 9 August 2023). In fact, if there were ever a case to warrant a warning under the ADR, the Athlete’s case is the one.
- xxiv. The International Tennis Federation (the “ITF”) imposed a 6-month period of Ineligibility on a young athlete who tested positive by way of a contaminated supplement even though the athlete did not declare it on her DCF and the supplement did not have an NSF Certified for Sport logo on the label. The Athlete’s degree of Fault is lower because the Gatorade Recovery Gummies boasted an NSF Certified for Sport logo and the Athlete declared the supplement on his DCF. Therefore, in keeping with the World Anti-Doping Code’s purpose of ensuring harmonization of

anti-doping rules, a sanction of 3 months or less is warranted. In any event, the Athlete must be declared immediately eligible to compete.

xxv. Finally, it is proper for the Athlete to keep his competitive results and any medals, points, and prizes earned between 18 July 2023 (the date of the positive test) and 9 August 2023 (the date the Provisional Suspension began) since: i) the Athlete has a light degree of Fault in relation to his anti-doping offense; and ii) the Athlete tested negative on 28 July 2023, just 10 days after his positive test. Thus, the Athlete's subsequent results were not "contaminated" by his 18 July 2023 positive test.

50. In his Brief, the Athlete submitted the following requests for relief:

"A. Find that the likely source of his positive test is a contaminated product, that his fault was not significant in relation to his anti-doping rule violation, and that he is therefore entitled to a sanction at the lowest end of the 0-to-24-month range that makes him immediately eligible to compete;

B. Order any other relief for Mr. Asinga that this Panel deems to be just and equitable including an award of fees and costs in part or in whole."

C. World Athletics' Reply Brief

51. World Athletics' position in its Reply Brief can be summarised as follows:

- i. The Athlete's case may be distilled to the following sentence: *"Either inappropriate cleaning of the equipment on the day the Gatorade Recovery Gummies were cooked or Better Nutritionals, LLC's use of a raw ingredient that was contaminated with GW1516 likely led to the contamination."* The facts and science of this case demonstrate that neither hypothesis is the likely cause of the Athlete's AAF.
- ii. Better Nutritionals was developed as a state-of-the-art facility for the manufacture of food and dietary supplements in the form of edible gummies. Better Nutritionals was registered by the FDA, and had obtained Kosher certification from the Orthodox Union, NSF, GMP certification, and British Retail Consortium GFSI (Global Food

Safety Initiative) certification, each of which requires high standards of cleanliness and quality systems to be documented, implemented, and maintained.

- iii. On 21 September 2022, one batch of Gatorade Recovery Gummies, sufficient to fill 20,000 jars, was cooked at the Better Nutritionals Gardena facility: 7,500 jars were stamped with lot number 22092117150213, samples from which were sent to NSF for certification. As agreed with PepsiCo, these 7,500 jars with non-NSF logo labels were ready for immediate distribution.
- iv. The remaining 12,500 jars were put on hold pending NSF certification. Those 12,500 jars were stamped with lot number 22092117150234 and labels bearing an NSF logo were subsequently affixed. The addition of the NSF logo on the external label is the only difference between the two lots. These 12,500 jars were ready for distribution once NSF certification was received.
- v. In relation to cleaning equipment at the Gardena facility prior to manufacturing, this is explained by Witness A, former employee of Better Nutritionals.
- vi. Accordingly, on the facts of this case, the Athlete's hypotheses regarding unclean equipment or contaminated raw ingredients being the source of the Prohibited Substance found in his system must fail.
- vii. Prof Martial Saugy, PhD and expert witness called by the AIU, provided an expert report and concluded, *inter alia*, that, "[o]n the assumption that the athlete's urine was negative 37 days before the adverse analytical finding, the estimated concentrations of the metabolites on 18 July 2023 can still be due to the intake of one or several doses of GW1516 some days after the negative urine test of 11 June. Certainly, this cannot be excluded."
- viii. Prof Saugy further reasoned that "[b]y looking at the results of the analyses of the gummies of the first jar, one can observe a very significant gradient of concentrations between the external and the internal part of the gummies. The ratio between the external and internal part are rather similar in both gummies. I cannot see how these results would be consistent with a contamination during the manufacture of the

gummies. Rather, these results point to an adulteration of the gummies at a later stage.”

- ix. Prof Saugy also concluded that it would not require particular skill to adulterate the Gatorade Recovery Gummies and that the detection of GW1516 sulfoxide in the Gatorade Recovery Gummies did not make an adulteration scenario implausible.

52. In its Reply Brief, the AIU submitted the following requests for relief:

- “1. Issamade Asinga is found to have committed an anti-doping rule violation pursuant to Rule 2.1 and/or Rule 2.2 of World Athletics Anti-Doping Rules.*
- 2. Issamade Asinga is sanctioned with a four-year period of ineligibility starting on the date on which the decision of the Disciplinary Tribunal enters into force. Any period of provisional suspension effectively served by Issamade Asinga before the entry into force of the decision of the Disciplinary Tribunal shall be credited against the total period of ineligibility to be served.*
- 3. Issamade Asinga’s results shall be disqualified with all resulting consequences including forfeiture of any medals, titles, points, prize money and prizes since 18 July 2023.*
- 4. Issamade Asinga is ordered to pay World Athletics an appropriate contribution to its legal and other costs in relation to these proceedings pursuant to Rule 10.12.1.”*

F. MERITS

A. Did the Athlete commit an ADRV?

53. Rule 2.1.1 of the ADR provides as follows:

“It is each Athlete’s personal duty to ensure that no Prohibited Substance enters their body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary to demonstrate intent, Fault, Negligence or knowing Use on the Athlete’s part in order to establish a Rule 2.1 anti-doping rule violation.”

54. Furthermore, Rule 2.1.2 of the ADR provides as follows:

“Sufficient proof of an anti-doping rule violation under Rule 2.1 is established by any of the following: (i) the Presence of a Prohibited Substance or its Metabolites or Markers in the Athlete’s A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed; (ii) where the analysis of the Athlete’s B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete’s A Sample; or (iii) where the Athlete’s A or B Sample is split into two parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample.”

55. The presence of GW1516 metabolites (GW1516 sulfone and GW1516 sulfoxide) in the Athlete’s positive A Sample was confirmed by the B Sample.

56. The Athlete does not contest that he committed an ADRV in the sense that the Lausanne Laboratory revealed the presence of metabolites of GW1516 (GW1516 sulfone and GW1516 sulfoxide) in the Sample provided by him on 18 July 2023.

57. The Athlete raises no issue with respect to the validity of the Sample provided, the identity thereof, the chain of custody, or other matters potentially relevant in this context.

58. In accordance with the Strict Liability principle, the presence of metabolites of GW1516 in the Athlete’s Sample is an ADRV, regardless of whether he acted with intent, No Fault or Negligence or No Significant Fault or Negligence. Such circumstances are taken into account in imposing an appropriate sanction, as addressed in the section below, but do not impact whether an ADRV is committed, which, the Panel repeats, is admitted.

59. Consequently, the Panel confirms and formally finds that the Athlete committed an ADRV by infringing Rule 2.1 of the ADR (entitled *“Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample”*).

60. In light of this conclusion, it is not necessary for the Panel to assess whether the Athlete may also have violated Rule 2.2 of the ADR (entitled *“Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method”*).

B. What should be the Consequences thereof?

61. It is not in dispute between the Parties that GW1516 is a non-Specified Substance. The starting point for determining the appropriate sanction to be imposed on the Athlete is therefore a period of Ineligibility of four years.

62. Indeed, Rule 10.2.1(a) of the ADR provides as follows:

“Save where Rule 10.2.4 applies, the period of Ineligibility will be four 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.”

63. It is undisputed that GW1516 is not a Substance of Abuse under Rule 10.2.4 of the ADR and it is not identified as such on the 2023 WADA Prohibited List.

64. Pursuant to Rule 10.2.1(a) of the ADR, a deviation from the default four-year period of Ineligibility is only possible if the Athlete establishes that the ADRV was not intentional.

65. The Athlete maintains that the period of Ineligibility to be imposed should be lower than four years, because the GW1516 metabolites entered his system by consuming a Contaminated Product and that he bore No Significant Fault or Negligence, which implies an absence of intent.

a. The Applicable Regulatory Framework

66. Rule 3.1 (headed “*Burdens and Standards of Proof*”) of the ADR provides as follows:

“The Integrity Unit or other Anti-Doping Organisation will have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof will be whether the Integrity Unit or other Anti-Doping Organisation has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that has been made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Rules 3.2.3 and 3.2.4,

the standard of proof will be by a balance of probability.”

67. Rule 10.6.1(b) (headed “*Contaminated Products*”) of the ADR provides as follows:

“In cases where the Athlete or other Person can establish both No Significant Fault or Negligence for the anti-doping rule violation(s) alleged against them and that the Prohibited Substance (other than a Substance of Abuse) came from a Contaminated Product, then the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Athlete’s or other Person’s degree of Fault.”

68. The afore-mentioned provision contains the following comment by way of aid to interpretation:

“[Comment to Rule 10.6.1(b): In order to receive the benefit of this Rule, the Athlete or other Person must establish that the detected Prohibited Substance came from a Contaminated Product and must also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases unless the Athlete has exercised a high level of caution before taking the Contaminated Product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the Contaminated Product, whether the Athlete had declared the product that was subsequently determined to be contaminated on the Doping Control form. This Rule should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a 'non-product' such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Rule 10.5.]“

69. The term “*No Significant Fault or Negligence*” is defined as follows in the ADR:

“No Significant Fault or Negligence: *The Athlete or other Person’s establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete,*

for any violation of Rule 2.1, the Athlete must also establish how the Prohibited Substance entered their system.”

70. The term “*Contaminated Product*” is defined as follows in the ADR:

“Contaminated Product: A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.”

b. Did the Athlete Use the Gatorade Recovery Gummies?

71. As indicated in the comment to Rule 10.6.1(b) of the ADR, the Athlete may potentially benefit from a reduction of the default four-year period of Ineligibility on the basis of having consumed a Contaminated Product, if he establishes that he had exercised a high level of caution before taking the alleged Contaminated Product. In this respect, the Athlete must establish the source of the GW1516 metabolites detected in his Sample and more specifically, that the GW1516 metabolites came from the Contaminated Product.

72. The Athlete disclosed the use of “*Gatorade Recovery*” on the DCF corresponding to the urine Sample provided by the Athlete on 18 July 2023.

73. Pursuant to the comment to Rule 10.6.1(b) of the ADR this is “*significant for the purposes of establishing whether the Athlete actually Used the Contaminated Product*”.

74. It was not questioned by the AIU and the Panel has no reason to doubt that the Athlete indeed used the Gatorade Recovery Gummies prior to the Sample provided by the Athlete on 18 July 2023. The Athlete himself, testified under cross-examination that he began using the Gatorade Recovery Gummies on 10 July 2023.

c. Were the Gatorade Recovery Gummies contaminated with GW1516?

75. The main point of contention in the proceedings was whether the Gatorade Recovery Gummies were contaminated with GW1516. Whereas the Athlete argued that this was the case, the AIU submitted that it was not.

76. Pursuant to Rule 3.1 of the ADR in conjunction with Rule 10.6.1(b) of the ADR, the Athlete carries the burden of establishing by a balance of probability that the Gatorade Recovery Gummies were the source of the GW1516 metabolites.

d. The SMRTL test of the unsealed containers of Gatorade Recovery Gummies provided by the Athlete

77. The Panel finds that an important aspect in favour of the Athlete’s claim that the Gatorade Recovery Gummies were contaminated with GW1516 is the confirmation by SMRTL that the two unsealed containers of the Gatorade Recovery Gummies provided by the Athlete indeed contained GW1516.

78. More specifically, the confirmation analysis performed by SMRTL can be summarised as follows:

Supplement	Specimen ID	Batch/Lot#	Confirmation Result
Gatorade Immune Support Gummies (Citrus) (open) 56/60 gummies	SUPP-230922-02	22091937150233	No Prohibited Substances detected
Gatorade Recovery Gummies (Cherry) (open) 3/60 gummies	SUPP-230922-03	22092117150234	Gummy 1: GW501516 (total 610ng/gummy) 220ng/g (exterior) 3.4ng/g (interior) GW501516 sulfoxide (total 40ng/gummy) 14ng/g (exterior) 1.3ng/g (interior) Gummy 2: GW501516 (total 810ng/gummy) 250ng/g (exterior) 4.8ng/g (interior) GW501516 sulfoxide (total 50ng/gummy) 15ng/g (exterior) 2.4ng/g (interior)
Gatorade Recovery Gummies (Cherry)	SUPP-230922-04	22092117150234	Gummy 1: GW501516 (total 1.5ng/gummy) 0.6ng/g (exterior) - (interior)
(open) 35/60 gummies			GW501516 sulfoxide (nil) - (exterior) - (interior) Gummy 2: GW501516 (total 0.65ng/gummy) 0.2ng/g (exterior) - (interior) GW501516 sulfoxide (nil) - (exterior) - (interior) Gummy 3: No Prohibited Substances detected

79. However, SMRTL also noted two unusual aspects in those results: i) the large discrepancy in the findings between the two containers of Gatorade Recovery Gummies; and ii) the

contamination was initially present on the surface of the Gatorade Recovery Gummies with limited diffusion of the adulterant to the interior of the gummy (rather than the contaminant being uniformly distributed throughout the gummy at the time of manufacture). SMRTL concluded that, taken together, and in the absence of a factory-sealed container of the Gatorade Recovery Gummies with the same lot number tested, it was not possible to rule out deliberate adulteration of the Gatorade Recovery Gummies after the container was opened.

80. Dr Van Wagoner testified during the hearing that the concentration of GW1516 in the first jar was about 100-fold higher than the concentration of GW1516 in the second jar. He testified that when SMRTL compares open and closed bottles, the difference is typically about 10-fold.
81. Notwithstanding these reservations of SMRTL, the Panel finds the mere fact that the Gatorade Recovery Gummies provided to the laboratory by the Athlete tested positive for GW1516 significant.

e. No sealed container of lot number 22092117150234

82. Despite the separate efforts of the Athlete, the AIU, and SMRTL, no sealed containers of the Gatorade Recovery Gummies of the exact same lot number as the jars used by the Athlete were found.
83. During cross-examination of Witness B, he was asked by counsel for the Athlete to comment on FDA rules allegedly requiring manufacturers to retain a certain number of sealed containers of each lot number, to which Witness B responded that this was not his area of expertise.
84. Although the Athlete did not point out any concrete legal basis for such requirement, the Panel considers it to be odd at best that neither Better Nutritionals, nor Gatorade, nor PepsiCo kept any sealed containers of Gatorade Recovery Gummies from lot number 22092117150234.
85. Taken together with the response of Ms Kara Darling, the Athlete's contact at Gatorade, who informed him that the Gatorade Recovery Gummies had been "*discontinued*" due to "*manufacturing issues*", the Panel acknowledges the Athlete's argument that there may

have been something to hide. The Panel noted that Witness A testified that the production of the Gatorade Recovery Gummies was discontinued because Better Nutritionals was declared bankrupt. Although the Panel accepts that these circumstances may support the Athlete's argument, the overall impact of this, however, remains inconsequential for the Panel's findings for the reasons presented in the following section.

f. Sealed container of lot number 22092117150213

86. Although no sealed jar of Gatorade Recovery Gummies with lot number 22092117150234 was tested, sealed jars of Gatorade Recovery Gummies with lot number 22092117150213 tested negative for GW1516.
87. First, on 17 October 2022, NSF had already certified this lot number as "NSF Certified for Sport" after it was provided with sealed containers, i.e. more than one container, of the Gatorade Recovery Gummies with lot number 22092117150213 that tested negative for any banned substance.
88. Second, upon being provided with the results of the confirmation analysis performed by SMRTL of the unsealed containers provided by the Athlete, the AIU obtained another sealed container of the Gatorade Recovery Gummies with lot number 22092117150213. This container was tested by the Lausanne Laboratory and was also negative for GW1516 and other banned substances.
89. However, a significant point of contention between the Parties in the present proceedings is whether the Gatorade Recovery Gummies from lot number 22092117150234 was manufactured together with lot number 22092117150213 and formed part of the same batch manufactured on 21 September 2022.

g. Did lot number 22092117150234 and lot number 22092117150213 form part of the same batch of Gatorade Recovery Gummies manufactured on 21 September 2021?

90. The first indication that both lots materially formed part of the same batch are the lot numbers themselves. As explained by Witness B, the first six digits of the lot number refer to the manufacturing date: YYMMDD. Based on this, the Panel finds that it can be

concluded that the Gatorade Recovery Gummies corresponding to both lot numbers were produced on 21 September 2022.

91. The seventh digit of 1, 2 or 3 refers to the production line, as the Gardena manufacturing facility had two production lines (with a reference to 3 meaning that both production lines were used). Accordingly, based on this, the Panel finds that it can be concluded that both lot numbers were manufactured on the same day on production line 1.
92. Finally, Witness B explained that the last six digits relate to an internal item code assigned to the individual product run according to Better Nutritionals' IT system.
93. Witness A testified that she knew the 20,000 jars of Gatorade Recovery Gummies were produced on the same day without any stoppage of production based on the first six digits of the lot numbers and the normal manufacturing practice at the Gardena manufacturing facilities. Witness A testified that she saw a document confirming that only one batch of Gatorade Recovery Gummies was produced on 21 September 2022.
94. Witness B and Witness A testified that, given the size of the batch of Gatorade Recovery Gummies produced on 21 September 2022, it was not practically possible that production line 1 of the Gardena manufacturing facility was used to produce two separate batches of Gatorade Recovery Gummies that day. Cleaning of a production line would usually take up to around 8 hours.
95. Witness B testified that the production of around 20,000 containers of Gatorade Recovery Gummies would roughly have taken about 19 hours to produce. If the production line had to be cleaned in between, it would not have been possible to complete the manufacturing of both batches on the same day. Witness B also testified that if the first 7 digits of lot numbers are the same, the product is the same, regardless of the last 6 digits. He was sure that only one batch of Gatorade Recovery Gummies was manufactured on 21 September 2022, because he had asked colleagues, including [REDACTED], who was the [REDACTED] on that day and who confirmed that this was the case, and because he knew, by understanding the manufacturing capacity, that it was not possible to have two separate lots. Witness B also testified that he would have seen batch records at the time, but they would have been hard copies, whereas the bankruptcy trustee only provided digitized documents to the Athlete's Counsel.

96. Based on the evidence of Witness A, who testified that a manufacturing run would not be interrupted for financial reasons, Witness B's evidence and in the absence of any requirements having been put forward requiring Better Nutritionals to do so, the Panel accepts that it would have been unnecessarily burdensome and inefficient to manufacture two separate batches of the exact same product on the same day and clean the production line in between.

97. Although neither Witness B nor Witness A was present on the floor when the Gatorade Recovery Gummies were manufactured on 21 September 2022, the Panel is also convinced by the contemporaneous documentation on file, suggesting that a total of 20,000 jars were manufactured that day, of which 7,500 jars were labelled without the NSF Certified for Sport logo. Following PepsiCo's request, these 7,500 jars entered the market soon afterwards, while jars thereof were sent to NSF for testing.

98. Witness B suggested that the plan was to withhold the remaining 12,500 jars until NSF certification was obtained. Once Better Nutritionals received approval to use the NSF Certified for Sport certificate, labels containing the NSF Certified for Sport logo were to be affixed to the 12,500 jars.

99. The Panel finds that this makes logical sense. Furthermore, contemporaneous documentation shows, *inter alia*, the following:

Better Nutritional will produce the following quantities of product:

- Gatorade Recovery Gummies – 20,000 jars total; 7500 labeled with non NSF logo labels. Remainder to be labeled with NSF logo labels after confirmation from PepsiCo
- Gatorade Immune Gummies – 20,000 jars tota; 17500 labeled with non NSF logo labels. Remainder to be labeled with NSF logo labels after confirmation from PepsiCo

100. Accordingly, no reference is made to two separate batches, but reference is made to one batch of 20,000 jars that had different internal item code numbers.

101. The Athlete rightly pointed out that contemporaneous evidence acquired from the bankruptcy trustee of Better Nutritionals suggested that the 12,500 jars were not labelled upon receipt of the NSF Certified for Sport certification on 18 October 2022 as initially submitted by Witness B, but already were, weeks earlier.

102. The Panel finds that Witness B, in his second witness statement, convincingly explained that his first witness statement was not accurate in this respect and that the relabelling process of the remaining 12,500 jars with Gatorade Recovery Gummies was actually already completed by 4 October 2022, i.e. before the NSF Certified for Sport certification was received. Witness B presented a contemporaneous email of 28 September 2022 indicating as follows: “*Chloe will confirm if labeling [sic] of the NSF product needs to happen prior to NSF results coming in*”. Witness B explained that “*Chloe*” was Ms Chloe Caan at PepsiCo, and that the question was whether PepsiCo was willing to label the jars “at risk”, i.e. not knowing whether the Gatorade Recovery Gummies would pass the product-specific NSF Certified for Sport certification evaluation. Witness B also presented an “*End of Day*” note of 29 September 2022, referring to the “*Gatorade Recovery NSF*” of lot number 22092117150234. According to Witness B, the relabelling process was complete by 4 October 2022.
103. Insofar as the Athlete submits that Witness B is not a credible witness, but a “*disgraced employee*”, the Panel finds that this must be dismissed. The mere fact that Witness B may have been terminated with cause by Better Nutritionals, that he refers to a different university than where he actually acquired his Master’s degree (which was corrected on his LinkedIn profile the day before the hearing, and which was explained as being a mistake made by Witness B’s wife when she had created a profile for him), that he has a financial claim against Better Nutritionals in the bankruptcy proceedings, and that Abbott Laboratories filed a claim against him (according to Witness B, such claim against him was dismissed) have no particular bearing on the credibility of the evidence provided by Witness B in the present proceedings. To the contrary, the Panel found Witness B’s *viva voce* evidence to be credible, cogent, consistent, and coherent.
104. Returning to the evidence provided, it does not strike the Panel as illogical for Better Nutritionals to allocate separate item code numbers (and therefore partially different lot numbers) to the jars of Gatorade Recovery Gummies to account for the different labels affixed to them. Although this may potentially be against best practices for manufacturing facilities, of which, however, no concrete evidence was presented, this does not take away from the Panel’s view that this is very likely what happened.

105. Based on all the above, and considering the consistent and coherent testimony of Witness B, the Panel is convinced that, regardless of the date of labelling, the Gatorade Recovery Gummies of lot number 22092117150234 and those of lot number 22092117150213 were manufactured as part of the same batch and sealed on the same date, i.e. 21 September 2022. Accordingly, 20,000 jars of Gatorade Recovery Gummies were manufactured as one batch, of which 7,500 jars were immediately labelled without the NSF logo. The remaining 12,500 jars were withheld and labelled with an NSF logo on 4 October 2022 at the latest, following confirmation from PepsiCo to proceed, but before the NSF Certified for Sport certification evaluation had been completed.
106. Even if two separate batches of Gatorade Recovery Gummies had been formally manufactured on 21 September 2022, *quod non*, with the manufacturing equipment cleaned in between, there is still no apparent reason why one batch would be contaminated with GW1516 while the other batch was not.
107. Overall, the Panel concludes that the testing results of the two unsealed jars provided by the Athlete are inconsistent with the testing results of other sealed jars. These jars were produced together, in the same batch, on the same production line of the Gardena manufacturing facility, on 21 September 2022.
108. The Panel finds the inconsistency between the test results of the unsealed jars (positive for GW1516) and those of the sealed jars (negative for GW1516) militate against the Athlete's hypothesis that the Gatorade Recovery Gummies that he consumed were contaminated with GW1516.
109. Although it can, of course, not be ruled out with 100% certainty that certain jars of the 21 September 2022 batch were contaminated and others not, the Panel considers this scenario to be unlikely. One would not expect such differences in a certified manufacturing facility as the Gardena manufacturing facility of Better Nutritionals.
110. Furthermore, drawing such conclusion (i.e. that certain jars may have been contaminated despite being certified by NSF) would undermine the credibility and *raison d'être* of the NSF Certified for Sport programme, because it would mean that athletes could not rely on the safety of supplements with such certification. During the hearing, Mr Travis testified that athletes subject to the World Anti-Doping Code can safely consume the Gatorade

Recovery Gummies from the lot number certified by NSF. For the reasons set forth above, the Panel finds that the same applies to the Gatorade Recovery Gummies of lot number 22092117150234.

111. The Panel finds that, while this does not mean that contamination of the Gatorade Recovery Gummies ingested by the Athlete can be ruled out with 100% certainty, significant weight should be given to the NSF certification obtained. Therefore, one should presumptively be able to rely on such certification and compelling evidence would be required to deviate from this presumption.

h. No concrete evidence of contamination during manufacturing

112. With respect to ways in which the Gatorade Recovery Gummies could have been contaminated during the manufacturing process, the Athlete referred to two hypotheses: *“Either inappropriate cleaning of the equipment on the day the Gatorade Recovery Gummies were cooked or Better Nutritionals, LLC’s use of a raw ingredient that was contaminated with GW1516 likely led to the contamination.”*

113. The Panel finds that the second hypothesis can practically be ruled out.

114. SMRTL established that the outside of the Gatorade Recovery Gummies contained significantly more GW1516 than the inside of the Gatorade Recovery Gummies. This was consistent for all Gatorade Recovery Gummies tested by SMRTL.

115. The slurry from which the Gatorade Recovery Gummies were made (and thus containing all raw ingredients) was heated and stirred before it was put into molds to shape the Gatorade Recovery Gummies. If GW1516 was present in a raw ingredient, it would have been present in the slurry, and one would expect the GW1516 to be spread out equally throughout the Gatorade Recovery Gummies, both inside and out. In the expert conferencing session with Prof Saugy and Dr Scott, both experts agreed that the hypothesis that the contamination was caused by the presence of GW1516 in a raw ingredient of the Gatorade Recovery Gummies was very unlikely.

116. As to the first hypothesis of the Athlete (i.e. inappropriate cleaning), the Panel finds that this cannot be ruled out. It is in theory possible that contamination could have occurred when the Gatorade Recovery Gummies were put into the molds to shape the Gatorade

Recovery Gummies, on conveyor belts, on the trays that were used for drying the Gatorade Recovery Gummies, or when in contact with other machinery or equipment after the Gatorade Recovery Gummies took their shape. In support of such contamination hypothesis is that the batch of Gatorade Recovery Gummies manufactured on 21 September 2022 was prepared over a period of approximately 19 hours, during which several kettles of slurry were mixed and poured into molds. For instance, hypothetically, dyes of residue containing GW1516 in inadequately cleaned molds could have contaminated the Gatorade Recovery Gummies with the level of contamination declining each time the molds were used throughout the day. When the slurry is poured into the molds, the slurry is still in a heated stage, which could explain the limited diffusion of the adulterant to the interior of the Gatorade Recovery Gummies. There are also no records on file demonstrating that production line 1 of the Gardena manufacturing facility was cleaned in accordance with the applicable standards before manufacturing the Gatorade Recovery Gummies on 21 September 2022.

117. There is, however, nothing on file supporting such hypothesis beyond mere speculation that this could have happened and that such possibility cannot be excluded.
118. Witness B and Witness A testified that no GW1516 was used in any other products manufactured in the Gardena manufacturing facility, which leaves entirely unexplained how GW1516 could have entered the premises.
119. The Panel furthermore finds it relevant that Better Nutritionals was a manufacturing facility certified by various institutions, hired by reputable companies such as Gatorade and PepsiCo. The Panel is not convinced by the Athlete's arguments that Better Nutritionals was a "*shady third-party company*". Although this does not mean that no contamination could have taken place in the Gardena manufacturing facilities, credible evidence would be required to prove this beyond mere speculation.
120. The Panel is, of course, aware that these are difficult, if not impossible, elements for the Athlete to establish. However, the fact remains that, under the applicable ADR, it is the Athlete's burden to establish that the Prohibited Substance came from a Contaminated Product.

i. The Pharmacokinetics of a Contamination Scenario

121. Moreover, the Panel considers it significant that the Athlete's Sample provided on 28 July 2023 tested negative for GW1516. The Panel considers such a negative test to be inconsistent with the Athlete's hypothesis that the Gatorade Recovery Gummies were contaminated with GW1516.
122. During the hearing, the Athlete testified that he not only ingested two Gatorade Recovery Gummies per day in the lead-up to the Sample provided on 18 July 2023 (the positive test), but that he continued consuming the Gatorade Recovery Gummies until he travelled to Brazil on 25 July 2023 to participate in the South American Championships, where he tested negative, including for GW1516 on 28 July 2023.
123. The Athlete testified that he had discontinued eating the Gatorade Recovery Gummies before travelling to Brazil and did not take them with him, because he was afraid that he could incur problems at customs.
124. The Athlete further testified that it was possible that he had disclosed on the DCF corresponding to the 28 July 2023 Sample collection that he had consumed the Gatorade Recovery Gummies in the last 7 days.
125. During cross-examination of the Athlete, counsel for the AIU indicated that she had received confirmation from Mr Jackson, AIU Deputy Head of Case Management, that, based on the Whereabouts information provided by the Athlete, it appeared that he had travelled to Brazil on 25 July 2023 and that the Athlete had indeed declared the use of the Gatorade Recovery Gummies on the DCF corresponding to the 28 July 2023 Sample collection. The Athlete also testified under cross-examination that it was not until 9 August 2023, that he put all the 'supplements' into Ziploc bags.
126. Although not decisive in and of itself, the Panel considers this to be another factor that does not support the contamination scenario relied upon by the Athlete.
127. Indeed, considering that the Athlete used the Gatorade Recovery Gummies consistently before the 18 July 2023 Sample was collected, which tested positive for GW1516, and considering that the Athlete continued to consume the Gatorade Recovery Gummies for another week until 25 July 2023, i.e. three days before the 28 July 2023 Sample was

collected, one would logically expect the 28 July 2023 Sample to test positive for GW1516 as well.

128. Dr Scott and Prof Saugy agreed that the Athlete would very likely have tested positive on 28 July 2023, assuming that the Athlete had consumed the Gatorade Recovery Gummies from the unsealed container of Gatorade Recovery Gummies that had only 3 Gatorade Recovery Gummies left when presented to SMRTL and if such Gatorade Recovery Gummies had the same level of GW1516 as the Gatorade Recovery Gummies tested by SMRTL, but that he would probably not have tested positive if the Gatorade Recovery Gummies consumed were from the unsealed container of Gatorade Recovery Gummies that had 35 Gatorade Recovery Gummies left when presented to SMRTL. The reason for this distinction is the significantly higher concentration of GW1516 in the Gatorade Recovery Gummies tested from the container with only 3 Gatorade Recovery Gummies left than the Gatorade Recovery Gummies from the other container.

129. Based on such expertise, it cannot be ruled out, but the Panel finds it at least coincidental that the Athlete switched between consuming the Gatorade Recovery Gummies from one container to another around the time he provided his 18 July 2023 Sample. Neither of the two containers was empty, and he had presumably consumed more Gatorade Recovery Gummies from the jar that had only 3 Gatorade Recovery Gummies left than from the other jar.

j. The Pharmacokinetics of an Intentional doping Scenario

130. Dr Scott testified that he considered the Athlete's positive test only compatible with a contamination scenario, because intentional doping after the negative test of 11 June 2023 was unlikely to cause a low-level positive test on 18 July 2023 and a negative test on 28 July 2023. Rather, assuming a doping scenario, he would have expected that both the 18 July 2023 as well as the 28 July 2023 would have been positive for GW1516 metabolites, particularly considering that, in his experience, GW1516 metabolites can remain present in the human body for months and even longer than a year following the administration of a normal dose.

131. On the other hand, Prof Saugy testified that he did not consider it to be inconsistent that, under an intentional doping scenario, i.e. a scenario under which the Athlete would have

intentionally administered GW1516 after his negative test on 11 June 2023, the 18 July 2023 test would be positive and the 28 July 2023 test not. In this respect, Prof Saugy relied on a scientific paper of Sobolevski (i.e. Sobolevski et al., 2012: Detection of PPAR agonists GW1516 and GW0742 and their metabolites in human urine. Drug Test. Analysis 2012, 4, 754-760), suggesting that after a “normal dose” of GW1516, the GW1516 sulfone metabolite remained present in the human body for around 40 days and the GW1516 sulfoxide for around 20 days. Prof Saugy admitted that it would be inconsistent if the Athlete had administered GW1516 shortly before 18 July 2023, because he would have expected to see GW1516 metabolites present on 28 July 2023. However, this would not be the case if the Athlete had administered the GW1516 in the days after the negative test of 11 June 2023. Prof Saugy also testified that Dr Scott’s statement that GW1516 metabolites remain present in the human body for several months was not documented.

132. The Panel finds that Dr Scott’s evidence to the contrary was less compelling than Prof Saugy’s evidence. Although the Panel does not question Dr Scott’s experience or knowledge, his criticism on the Sobolevski paper was merely based on his own personal experience with GW1516 metabolites and was, unlike Prof Saugy’s evidence, not based on scientific research. Although Prof Saugy agreed with Dr Scott that the Sobolevski paper was not very good, it is apparently the only scientific paper available on the excretion times of GW1516 long-term metabolites and not entirely unreliable.

k. The Presence of GW1516 Sulfoxide in the Gatorade Recovery Gummies Tested by SMRTL

133. In the unsealed jars of Gatorade Recovery Gummies provided to SMRTL by the Athlete, GW1516 sulfoxide was detected. According to Dr Scott, under normal circumstances, GW1516 does not spontaneously convert into GW1516 sulfoxide. This raises the question of whether the presence of GW1516 sulfoxide on the Gatorade Recovery Gummies is more compatible with a contamination scenario or with an adulteration scenario.

134. Dr Scott considered a contamination scenario more likely because a heated state of the Gatorade Recovery Gummies at the moment of contamination (e.g. when the slurry was poured into the molds) would be a credible explanation for the conversion, although he did not rule out that, in a contamination scenario, a GW1516 product purchased on the

consumer market could well have contained GW1516 sulfoxide as an unintended byproduct.

135. This latter possibility was considered the most credible explanation by Prof Saugy, as a consequence of which he considered the adulteration scenario to be the most credible scenario.
136. The Panel finds that, on the basis of the evidence before it, neither scenario can be ruled out and considers them to be similarly feasible.

I. Conclusion

137. Nearing the conclusion, the Panel recalls that the legal test to be applied is to assess whether the Athlete, by a balance of probability, established that the Gatorade Recovery Gummies were the source of the GW1516 metabolites detected in the Athlete's Sample of 18 July 2023.

138. As to the test to be applied, the following is held in compelling CAS jurisprudence:

“There is in fact a wealth of CAS jurisprudence stating that a protestation of innocence, the lack of sporting incentive to dope, or mere speculation by an athlete as to what may have happened does not satisfy the required standard of proof (balance of probability) and that the mere allegation of a possible occurrence of a fact cannot amount to a demonstration that that fact did actually occur (CAS 2010/A/2268; CAS 2014/A/3820): unverified hypotheses are not sufficient (CAS 99/A/234-235). Instead, the CAS has been clear that an athlete has a stringent requirement to offer persuasive evidence that the explanation he offers for an AAF is more likely than not to be correct, by providing specific, objective and persuasive evidence of his submissions. In short, the Panel cannot base its decision on some speculative guess uncorroborated in any manner.” (CAS 2017/A/5016 & 5036 Ihab Abdelrahman v. Egyptian Anti-Doping Organization (EGY-NADO) & CAS 2017/A/5036 World Anti-Doping Agency (WADA) v. Ihab Abdelrahman & EGY-NADO, para. 125, confirmed in CAS 2023/A/9377 Kristian Jensen v. World Rugby, para. 68).

139. Likewise:

“The CAS has constantly repeated that the requirement of showing how the Prohibited Substance got into the Athlete’s system must be enforced quite strictly since, if the manner in which a substance entered an athlete’s system is unknown or unclear, it is logically difficult to determine whether the athlete has taken precautions in attempting to prevent such occurrence (CAS 2007/A/1399). Consequently, the Tribunal made it clear that the “threshold” requirement of showing how the substance entered the player’s system was to enable the Tribunal to determine the issue of fault on the basis of fact and not mere speculation. In other words, the threshold requirement of proof of how the substance got into the system ‘meant not only that the player must show the route of administration – in this case probably oral ingestion – but that he must be able to prove the factual circumstances in which administration occurred’ (CAS 2006/A/1140).” (CAS 2010/A/2277 La Barbera v. IWAS, para. 35).

140. The Panel finds that the Athlete did not succeed in satisfying this test. Indeed, in accordance with the ADR, the burden to establish how the Prohibited Substance entered the Athlete’s body falls squarely on the Athlete.
141. The Panel finds that the Athlete’s case goes further than mere speculation. Indeed, there is hard scientific evidence from SMRTL confirming that the unsealed Gatorade Recovery Gummies that had been consumed by the Athlete contained GW1516.
142. The Panel nonetheless concludes that the Athlete did not succeed in satisfying his burden of proof, considering in particular that:
 - i. Sealed jars of Gatorade Recovery Gummies from the exact same batch as the Gatorade Recovery Gummies consumed by the Athlete tested negative by NSF and were credited with the NSF Certified for Sport certificate.
 - ii. A sealed jar of Gatorade Recovery Gummies from the exact same batch as the Gatorade Recovery Gummies consumed by the Athlete tested negative by the Lausanne Laboratory.
 - iii. The Gatorade Recovery Gummies consumed by the Athlete in particular contained GW1516 on the outside and only very little on the inside, which practically excludes any contamination by raw ingredients.

- iv. There is nothing but a theoretical possibility that contamination of the Gatorade Recovery Gummies with GW1516 may have taken place in the Gardena manufacturing facilities due to inappropriate cleaning, despite evidence being provided that no GW1516 was used in any of the products manufactured in this facility and the fact that this facility complied with all kinds of certification requirements.
- v. The fact that the Athlete tested negative 10 days after his positive test, while he only discontinued his consumption routine 3 days before.

143. Considering all elements set forth above, on balance, the Panel finds that the Athlete did not succeed in establishing, by a balance of probability, that the Gatorade Recovery Gummies were the source of the GW1516 metabolites detected in his Sample of 18 July 2023. In other terms, the Panel is not persuaded that the occurrence of the alleged ingestion of GW1516 by consuming the Gatorade Recovery Gummies is more probable than its non-occurrence. The Athlete therefore did not succeed in establishing that the ADRV was not intentional.

m. The adulteration scenario

144. Finally, the first logical inference that probably comes to mind after reading that the Athlete's contamination scenario is dismissed is that the Athlete must have adulterated the Gatorade Recovery Gummies after he was informed of his positive test.

145. Although such scenario cannot be ruled out, the Panel wishes to make certain remarks in this respect.

146. First of all, and most importantly, the Panel repeats that the legal test to be applied is to assess whether the Athlete, by a balance of probability, established that the Gatorade Recovery Gummies were the source of the GW1516 metabolites. The Panel finds that the Athlete did not succeed in satisfying this test, regardless of the likelihood of an adulteration scenario. Indeed, in accordance with the ADR, it is not the AIU's burden to establish how the Prohibited Substance entered the Athlete's body.

147. Furthermore, any potential adulteration is not required to have been performed by the Athlete himself. It could have been done by someone from his entourage with the intention

of helping the Athlete to avoid being sanctioned and it could even have been performed by an amoral trained chemist that may have been hired for such purposes.

148. Most importantly, although it does not have an impact on its ultimate conclusion and although it cannot be ruled out, the Panel finds that there are significant caveats in the adulteration scenario.
149. First of all, the Panel finds that adulteration of the Gatorade Recovery Gummies with GW1516 to a level that is not entirely inconsistent with the levels of GW1516 identified in the Athlete's positive Sample requires a certain level of knowledge and skill. Dr Scott and Prof Saugy agreed that, although the Gatorade Recovery Gummies in the container with 3 Gatorade Recovery Gummies left could more readily be the result of adulteration, the levels of GW1516 detected in Gatorade Recovery Gummies from the container with 35 Gatorade Recovery Gummies were so low that any GW1516 acquired would have to be diluted significantly before somehow adulterating the Gatorade Recovery Gummies, requiring significant skill.
150. Furthermore, as noted before, the scientific research of Dr Van Wagoner and others shows that readily available performance enhancing drugs that can be purchased on the internet, including GW1516 products, have a wide variety between presence of the substance and the claimed presence. The amount claimed to be present was different in 59% of the cases. Dr Van Wagoner indicated that this would make adulteration with such kind of products more difficult.
151. This makes adulteration a particularly risky endeavour, because one cannot be certain of the level of dilution to be applied. If the actual concentration of GW1516 is higher or lower than indicated, the levels of GW1516 on the Gatorade Recovery Gummies may no longer reasonably be said to be consistent with the concentration of GW1516 found in the Athlete's Sample, i.e. the pharmacokinetics would no longer be consistent.
152. Furthermore, Dr Van Wagoner's study also showed that 17 of the 44 over-the-counter products included in the study contained traces of other Prohibited Substances. However, SMRTL only detected GW1516 metabolites and no other traces of Prohibited Substances.

153. This may be explained by mere luck, but the Panel finds that it casts a shadow over the adulteration scenario.

154. Finally, while the presence of GW1516 sulfoxide on the exterior of the Gatorade Recovery Gummies may well be explained by adulteration with GW1516 containing GW1516 sulfoxide as an unintended byproduct, the Panel is not convinced as to how traces of GW1516 could have entered the interior of the Gatorade Recovery Gummies tested by SMRTL.

n. What period of Ineligibility is to be imposed on the Athlete?

155. As indicated above, Rule 10.2.1(a) of the ADR provides as follows:

“Save where Rule 10.2.4 applies, the period of Ineligibility will be four years Were:

(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.”

156. Since the Athlete did not succeed in establishing the source of the GW1516 metabolites, the Panel finds that the Athlete neither established that the GW1516 metabolites came from a Contaminated Product, nor that he had No Significant Fault or Negligence, nor that the ADRV was not intentional. In such scenario, the Panel observes that the regulatory framework of the ADR does not permit the imposition of any lower sanction than a period of Ineligibility of four years.

157. The Athlete does not invoke the application of an elimination, reduction or a suspension of the period of Ineligibility or other Consequences for reasons other than Fault.

158. Consequently, the Panel finds that a four-year period of Ineligibility is to be imposed on the Athlete.

o. When shall the period of Ineligibility commence?

159. Rule 10.13 of the ADR provides that, in principle, *“the period of Ineligibility will start on the date of the decision of the hearing panel providing for Ineligibility.”*

160. However, pursuant to Rule 10.13.2(a) of the ADR, “[i]f a *Provisional Suspension* is respected by the Athlete or other Person, then the Athlete or other Person will receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* that may ultimately be imposed”.

161. Accordingly, since the Athlete is serving a *Provisional Suspension* since 9 August 2023, such period is to be credited against the four-year period of *Ineligibility* imposed.

p. Are the Athlete’s results to be disqualified and since when?

162. Rule 10.10 of the ADR provides as follows:

“In addition to the automatic Disqualification of the results in the Competition that produced the positive Sample under Rule 9, all other competitive results obtained by the Athlete from the date a positive Sample was collected (whether In-Competition or Out-of-Competition) or other anti-doping rule violation occurred through the commencement of any Provisional Suspension or Ineligibility period, will, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, titles, points, prize money, and prizes.”

163. Since the Athlete’s 18 July 2023 Sample tested positive, all competitive results as from such date obtained by the Athlete are, unless fairness requires otherwise, disqualified with all resulting Consequences.

164. The Panel finds that fairness does not require otherwise. It is true that the Athlete tested negative on 28 July 2023 and that he was only provisionally suspended on 9 August 2023, but given that the Athlete is sanctioned with a four-year period of *Ineligibility* because of the ADRV committed on 18 July 2023, the Panel does not consider it appropriate to leave the Athlete’s results obtained between 28 July 2023 and 9 August 2023 intact.

165. Consequently, all the Athlete’s competitive results obtained by the Athlete as from 18 July 2023 are disqualified with all resulting Consequences, including forfeiture of any medals, titles, points, prize money, and prizes.

G. COSTS

166. The AIU has requested a contribution towards WA's legal costs in these proceedings. Costs are a matter for the Panel's discretion pursuant to Rule 8.12.4 of the ADR.
167. As an ADRV has been established and the Athlete is sanctioned with a four-year period of Ineligibility in line with the AIU's requests for relief, the Panel considers it reasonable and fair that the Athlete pays a modest contribution of £1,000 towards WA's legal fees and other expenses incurred in connection with these proceedings.

H. OPERATIVE PART

168. Based on the afore-mentioned considerations, the Panel rules as follows:
- i. Mr Issamade Asinga committed an Anti-Doping Rule Violation pursuant to Rule 2.1 of the ADR.
 - ii. Mr Issamade Asinga is sanctioned with a period of Ineligibility of 4 (four) years, starting on 6 May 2024. Any period of Provisional Suspension effectively served by Mr Issamade Asinga before the entry into force of this decision shall be credited against the total period of Ineligibility to be served.
 - iii. All competitive results of Mr Issamade Asinga since 18 July 2023 (the date of the collection of the Sample) are disqualified with all resulting Consequences, including forfeiture of any medals, titles, points, prize money and prizes.
 - iv. Mr Issamade Asinga is ordered to pay World Athletics a contribution of £1,000 (one thousand Pound Sterling) towards World Athletics' legal fees and other expenses incurred in connection with these proceedings.

I. RIGHT OF APPEAL

169. This Decision may be appealed to the Court of Arbitration for Sport ("CAS"), located at Palais de Beaulieu, Avenue Bergières 10, CH-1004, Lausanne, Switzerland (procedures@tascas.org), in accordance with Rule 13 of the 2024 ADR.

170. In accordance with Rule 13.6.1(a) of the 2024 ADR, the Parties shall have 30 days from receipt of this Decision to lodge an appeal with the CAS-



Mr Dennis Koolaard, Chair of the Panel



Ms Harveen Thauli



Mr Stefan Fabien

On behalf of the Tribunal
London, United Kingdom

Operative Award: 6 May 2024

Reasoned Decision: 17 May 2024

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