

**In the matter of the Canadian Anti-Doping Program;**

**And in the matter of an anti-doping rule violation by David Earle asserted by the  
Canadian Centre for Ethics in Sport;**

Reasoned Decision

**Summary**

1. The Canadian Centre for Ethics in Sport (CCES) conducted an in-competition sample collection session at the 2015 Canadian Weightlifting Championships.
2. Mr. David Earle (“the athlete”) was selected for doping control. The sample provided by the athlete returned an adverse finding for Methandienone, a prohibited anabolic agent.
3. Following receipt of the CCES’ assertion of an anti-doping rule violation for the presence of Methandienone, the athlete promptly admitted the violation, agreed to the Prompt Admission sanction reduction approved by WADA and CCES and waived his right to a hearing.

**Jurisdiction**

4. The CCES is an independent not-for-profit organization incorporated under the federal laws of Canada that promotes ethical conduct in all aspects of sport in Canada. The CCES also maintains and carries out the CADP, including providing anti-doping services to national sport organizations and their members.
5. As Canada’s national anti-doping organization, the CCES is in compliance with the World Anti-Doping Code (Code) and its mandatory International Standards. The CCES has implemented the Code and its mandatory International Standards through the CADP, the domestic rules which govern this proceeding. The purpose of the Code and of the CADP is to protect the rights of athletes to fair competition.
6. The athlete is a member of the Canadian Weightlifting Federation (CWFHC) and participates in the sport of Weightlifting at CWFHC sanctioned events. According to Part C, Rule 1.3 of the CADP, the CADP provisions apply to all members of, and participants in the activities of, sport organizations adopting it. The CADP was issued for adoption by Canadian sport organizations on October 1, 2014, to be operational on January 1, 2015. CWFHC adopted the CADP on December 26, 2014. Therefore, as a member of CWFHC and/or as a participant in CWFHC sport activities, the athlete is subject to the Rules of the CADP.

## **Doping Control**

7. On May 16, 2015 the CCES conducted an in-competition doping control session at a weightlifting competition in Mississauga, ON. Testing at this competition was conducted on CWFHC athletes as part of the CCES' domestic test distribution plan, all pursuant to the CADP.
8. The athlete was notified for doping control and, together with the Doping Control Officer (DCO) from the CCES, completed the sample collection process. The athlete's sample code number was 2952336.
9. On May 19, 2015 the athlete's sample was sent to World Anti-Doping Agency (WADA) accredited laboratory, the INRS-Institut Armand-Frappier (INRS), in Laval, QC.

## **Results Management**

10. On June 9, 2015, the CCES received a Certificate of Analysis for the athlete's sample (sample code 2952336) from the INRS which indicated the presence of Methandienone.
11. Methandienone is classified as a prohibited substance (Anabolic Agent) on the 2015 WADA Prohibited List.
12. On June 10, 2015 the athlete requested the analysis of his B Sample which was conducted on June 16, 2015. The Certificate of Analysis pertaining to the B Sample was received by the CCES on June 22, 2015, and confirmed the adverse finding for Methandienone.
13. June 26, 2015, the CCES formally asserted a violation against the athlete for the presence of a prohibited substance (non-specified substance). As a result of the C'ES' assertion the athlete was also subject to a mandatory provisional suspension.
14. In accordance with CADP Rule 10.2.1, the standard sanction for an intentional doping violation involving the presence of a prohibited substance (non-specified substance) is a four (4) year period of ineligibility. The CCES proposed the standard four (4) year sanction within its assertion of June 26, 2015.

## **Confirmation of Violation and Sanction**

15. In response to the CCES' assertion, the athlete promptly admitted to the anti-doping rule violation in accordance with CADP Rule 10.6.3. When an athlete facing a four (4) year period of ineligibility promptly admits a violation in accordance with CADP Rule 10.6.3, the athlete, upon the approval of WADA and CCES, may be eligible for a reduction in the standard sanction from four (4) years down to a two (2) year period

of ineligibility, depending on the “seriousness” of the athlete’s violation and the athlete’s “degree of fault” for their violation. In other words, an actual sanction reduction of up to two years is possible – provided the Tribunal hearing is also waived.

16. Following a careful review of all available information regarding the presence of a prohibited substance in the athlete’s sample, including an evaluation of the “seriousness” of the violation and the athlete’s “degree of fault” for the violation (see paragraph 17 below), WADA and CCES agreed to reduce the otherwise applicable period of ineligibility by five (5) months, to a three (3) year and seven (7) month period of ineligibility.
17. The athlete claimed that one or more of his supplement products bought over the counter and via the internet must have contained Methandienone. He claimed that he wanted to take supplements with permitted ingredients only. The athlete claimed that Methandienone was not listed on the label of any supplement he consumed. The athlete claimed that his ingestion of Methandienone was the result of his supplement use and was thus inadvertent and unintentional. Critically, no evidence was presented to the CCES regarding the athlete’s actual supplements to prove the claims made by the athlete. No testing was conducted on the athlete’s supplements. The CCES concedes that what the athlete claims to have happened may be possible – but other means of ingestion of Methandienone are also possible. In the result, it is impossible without a hearing to determine how the Methandienone was (or was not) ingested by the athlete. It is equally impossible to evaluate the “seriousness” of the violation and the athlete’s “degree of fault” for the violation without such a hearing. Accordingly, the sanction reduction approved by WADA and CCES is given solely to recognize the prompt admission of the violation and the avoidance of a Tribunal hearing. The athlete’s degree of fault for the violation is unknown.
18. On July 27, 2015, in response to the offer of a 5 month sanction reduction (as proposed by WADA and CCES in accordance with CADP Rule 10.6.3), the athlete waived his right to a hearing thereby accepting a three (3) year and seven (7) month of ineligibility which commenced on June 26, 2015, the date of provisional suspension and concludes on January 26, 2019.
19. The CCES now considers this case closed.

Dated at Ottawa, Ontario this 28 day of July, 2015.



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Jeremy Luke

Director, Canadian Anti-Doping Program and Business Development, CCES