

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING MR WILLIAM FRULLANI
BORN ON 21 SEPTEMBER 1979, ATHLETE, ITALY, BOBSLEIGH**

1. Mr William Frullani (hereinafter the “**Athlete**”) was accredited as a participant in the XXII Olympic Winter Games in Sochi (hereafter the “**Sochi Olympic Winter Games**”).
2. The Athlete was requested on 18 February 2014, in Sochi at 9:14 a.m., to provide a urine sample for a pre-competition doping control.
3. Pursuant to Article 6.2.1 of the *IOC Anti-Doping Rules Applicable to the XXII Olympic Winter Games in Sochi, in 2014* (the “**Rules**”), Dr Richard Budgett (the “**IOC Medical Director**”), as representative of the Chairman of the IOC Medical Commission, was informed in the morning of Thursday, 20 February 2014 by the Head of the WADA-Accredited Laboratory in Sochi, of an adverse analytical finding on the A sample of the above-noted urine.
4. Pursuant to Article 6.2.2 of the *Rules*, the IOC Medical Director determined that the above-noted A sample belonged to the Athlete, and verified that it did in fact give rise to an adverse analytical finding. He also determined that there was no apparent departure from the International Standards for Testing or the International Standards for Laboratories that undermined the validity of the adverse analytical finding.
5. Pursuant to Article 6.2.3 of the *Rules*, the IOC Medical Director immediately informed the IOC President, Thomas Bach, of the existence of the adverse analytical finding and the essential details available to him concerning the case.
6. Pursuant to Article 6.2.5 of the *Rules*, the IOC President, by letter dated 20 February 2014, promptly set up a Disciplinary Commission, consisting of:
 - Denis Oswald (Chairman)
 - Nawal El Moutawakel
 - Gunilla Lindberg

The IOC President also informed the Disciplinary Commission that, pursuant to Rule 59.2.4 of the Olympic Charter and Article 6.1.6. of the *Rules*, the decision of the Disciplinary Commission in this case would constitute the decision of the IOC.

The IOC President has in this case decided that the procedure may be extended beyond the 24-hour time-limit as per Article 6.2.14 of the *Rules*.

7. The analytical report of the laboratory analysis of the A sample, issued by the WADA-Accredited Laboratory in Sochi, dated 20 February 2014, indicated the presence of **methylhexaneamine (dimethylpentylamine)**.
8. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 20 February 2014, notified to the Athlete, to the Chef de Mission of the Italian Olympic Committee (hereafter the “**CONI**”), Carlo Mornati, to the President of the International Bobsleigh and Tobogganing Federation (hereafter the “**FIBT**”), Ivo Ferriani and to the Head of the Independent Observers’ Programme, the IOC President advised of the above-mentioned adverse analytical finding and of the time, date and place of the hearing of the Disciplinary Commission regarding this case.
9. The Athlete requested the analysis of the B sample, which occurred on Friday 21 February 2014 at around 2.00 p.m., at the WADA-Accredited Laboratory in Sochi, in his presence, as well as the Athlete’s representative, Dr Antonio Spataro.

10. The analysis of the B sample confirmed the finding in the A sample on 21 February 2014 at 6.21 p.m.
11. The Athlete provided another urine sample on 21 February 2014, at 4.46 p.m. The results for such test are not available at the time of drafting of decision, but will be provided to the Athlete, the CONI and the FIBT in due course.
12. The Disciplinary Commission held a hearing on 22 February 2014, at approximately 11.00 a.m., at the Olympic Family Hotel (OFH), Radisson Blu Hotel and Congress Center, IOC Executive Board Meeting Room, in the presence of a delegation from the CONI (hereinafter the "**Delegation**") comprising:

Carlo Mornati, Chef de Mission
Antonio Spataro, Chief Medical Officer
13. The International Bobsleigh and Tobogganing Federation was represented at the hearing by Ivo Ferriani, President.
14. The Independent Observers' Programme was represented at the hearing by Huw Roberts.
15. Also attending the hearing were:

Dr Richard Budgett, IOC Medical & Scientific Director
Howard Stupp, IOC Director of Legal Affairs
Christian Thill, IOC Doping Control Administrative Coordinator
Cherine Fahmy, Assistant
Kate O'Neil, Minute-taker
16. On 22 February 2014, the Athlete made a written submission in which he declared, in summary, that:
 - (i) he had not taken any specific medication or prohibited substances and did not use any doping method;
 - (ii) he presumed that the prohibited substance found in his urine was connected with nutritional supplements he used (a list of which is mentioned in his written submission);
 - (iii) he had checked, when buying the products and before using them, that no prohibited substance was mentioned on the label of these supplements;
 - (iv) he will conduct a specific analysis of his supplements upon his return to Italy;
 - (v) he regretted the situation, explaining that it was not intentional, due to his own "superficial behaviour" [note of the Disciplinary Commission: he may mean negligence] and apologised to the Olympic Movement, his National Olympic Committee, his sport and his teammates.
17. On 22 February 2014, the CONI also provided a written submission, stating in summary that:
 - (i) the athlete declared that he had not taken any medication, but had taken only nutritional supplements;
 - (ii) the adverse analytical finding was probably related to nutritional supplements;
 - (iii) that the presence reported can nowadays only be found in non controlled nutritional supplements, is not listed as part of the ingredients of such supplements or commonly declared as "natural geranium oil or extract";

- (iv) following the confirmation of the B analysis, the CONI had immediately withdrawn the Athlete from the Sochi Olympic Winter Games and that the Athlete was no longer part of the Italian Olympic Team.
18. At the beginning of the hearing, the Delegation was informed that the meeting was being recorded and that minutes were being taken. The Delegation was also informed of the results of the laboratory analysis of the A sample, which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory in Sochi, indicated the presence of **methylhexaneamine (dimethylpentylamine)**.
19. At the hearing, the Chef de Mission stated in summary that:
- (i) the CONI had a very strong anti-doping policy;
 - (ii) all athletes of the CONI sign a contract with strict rules in this respect;
 - (iii) the CONI waited until the confirmation for the B sample of the Athlete to take the decision to send the Athlete back to Italy, which explains why the Athlete was not present at the hearing;
 - (iv) upon return to Italy (on 4 March 2014), the Board of CONI will set up a commission to look into this matter and take the appropriate action and decision;
 - (v) the CONI provided a statement the previous night, summarising its position;
 - (vi) all athletes competing on behalf of the CONI had to provide a list of the supplements they had taken the previous three months, and in the case of the Athlete, he had not listed any supplement;
 - (vi) the Athlete provided a written statement in which he stated that he did not take any medication, but had taken only nutritional supplements.
 - (vii) upon questioning from the Chairman, the Chef de Mission indicated that he understood that the Athlete had ordered such nutritional supplements on the internet, probably from the United States of America or Great Britain.
 - (viii) upon questioning from the Chairman, the Chef de Mission indicated that he did not know if the Athlete had taken the nutritional supplements on his own accord or on the recommendation of a third party, such as a nutritional adviser;
 - (ix) it was the first time that the Athlete had been involved in a doping case;
 - (x) in Sochi, the Italian delegation had provided 26 medical and paramedical personnel, one for each squad, in order to try to avoid such a situation.
20. At the hearing, the Chief Medical Officer of the CONI stated in summary that:
- (i) the Athlete had indeed confirmed, in his written submission on 22 February 2014, that he had not taken any medication, solely nutritional supplements;
 - (ii) the substance dimethylamylamine (which is another name for methylhexaneamine), which has been withdrawn from the market as a medication, appears in several findings as a result of the involuntary intake of contaminated products;
 - (iii) due to the current lax regulations governing the nutritional supplement industry, not all ingredients are listed on the label;
 - (iv) this being said, it is the personal responsibility of each athlete to ensure that no prohibited substance enters his or her body, even when the exact composition is not mentioned on a given nutritional supplement.
 - (v) upon questioning from the Chairman, the Chief Medical Officer of the CONI indicated that the Athlete had not asked him whether there were risks in taking nutritional supplements and that he felt the Athlete was not aware of such risks.

21. At the hearing, the President of the FIBT stated in summary that:
- (i) the FIBT has a very strong anti-doping policy and has an education programme to inform the athletes;
 - (ii) the FIBT was grateful to WADA and the IOC for their work, which shows that everything is done to ensure a clean level playing field, but also that more needs to be done in terms of education of the athletes and the entourage.
22. Upon questioning from the Chairman, the Delegation confirmed that they did not have any objection as to the conduct of this disciplinary procedure and confirmed that their right to be heard had been fully respected.
23. After hearing the Delegation and the arguments it put forward, the Disciplinary Commission retired in order to deliberate.
24. The Disciplinary Commission was of the view that, by taking, on his own accord, nutritional supplements, which might be contaminated, the Athlete accepted the risk that such supplements could be contaminated with prohibited substances. The Athlete did not inform the CONI about his use of nutritional supplements nor did the Athlete make enquiries from the strong medical presence made available by the CONI to its athletes whether there was a risk involved in taking supplements.
25. Based on the above, the Disciplinary Commission unanimously concluded that the Athlete had committed an anti-doping rule violation pursuant to Article 2.1 of the World Anti-Doping Code, (hereafter the "**Code**") and Articles 2 and 12 of the *Rules*, in that there was the presence of the prohibited substance, **methylhexanamine (dimethylpentylamine)**, in his body.
26. The Disciplinary Commission recognises the efforts of the CONI in the fight against doping. However, National Olympic Committees should also take into account that there are sometimes individual initiatives by athletes, and appropriate measures should therefore be taken in relation to the monitoring of such initiatives.

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CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the XXII Olympic Winter Games, Sochi 2014* and in particular, Articles 1.2, 2, 7 and 8 thereof and pursuant to the World Anti-Doping Code and, in particular, Article 2.1 thereof:

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Mr William Frullani, Italy, Bobsleigh:
 - (i) is excluded from the XXII Olympic Winter Games in Sochi in 2014; and
 - (ii) shall have his Olympic identity and accreditation card cancelled immediately.
- II. The International Bobsleigh and Tobogganing Federation (FIBT) is requested to consider any further action within its own competence.
- III. The Italian Olympic Committee shall ensure full implementation of this decision.
- IV. This decision shall enter into force immediately.

Sochi, 22 February 2014

The IOC Disciplinary Commission

Denis Oswald
Chairman

Nawal El Moutawakel

Gunilla Lindberg