

**INTERNATIONAL OLYMPIC COMMITTEE**

**IOC DISCIPLINARY COMMISSION  
DECISION**

**REGARDING MR DANIEL ZALEWSKI  
BORN ON 17 JANUARY 1992, ATHLETE, POLAND, BOBSLEIGH**

1. On 22 and 23 February 2014, Mr Daniel Zalewski (hereinafter the “**Athlete**”) competed in the four men Bobsleigh event at the occasion of the XXII Olympic Winter Games in Sochi (hereafter the “**Sochi Olympic Winter Games**”), where he placed 27<sup>th</sup> along with his teammates.
2. The Athlete was requested, after the end of Run 2 of the four men Bobsleigh event, on 23 February 2014, in Sochi at around 00:45 a.m., to provide a urine sample for a 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 on Monday 24 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 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 5 March 2014, 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*.

The composition of the Disciplinary Commission had to be changed subsequently. By Letter dated 1 April 2014, the President appointed Claudia Bokel as a member of the Disciplinary Commission to replace Nawal El Moutawakel, who was unexpectedly not able to continue to serve as a member on this IOC Disciplinary Commission.

7. The analytical report of the laboratory analysis of the A sample, issued by the WADA Accredited Laboratory in Sochi, dated 24 February 2014, indicated the presence of **N-ethyl-1-phenylbutan-2-amine**.
8. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 5 March 2014, notified to the Athlete, to the Polish Olympic Committee (hereafter the “**POC**”), to the International Bobsleigh and Tobogganing Federation (hereafter the “**FIBT**”) and to the Head of the Independent

Observers' Programme, the IOC President advised of the above-mentioned adverse analytical finding.

9. The Athlete requested the analysis of the B sample, but indicated he did not wish to be present or represented at the opening and analysis of the B sample. The analysis of the B sample occurred on 9 March 2014 at 12:00, at the WADA Accredited Laboratory in Sochi, in the presence of an independent witness, in accordance with the International Standard for Laboratories.

The analytical report of the laboratory analysis of the B sample, prepared by the Head of the WADA Accredited Laboratory in Sochi, confirmed the presence of the prohibited substance **N-ethyl-1-phenylbutan-2-amine** in the B sample.

10. By letter dated 10 March 2014, the Athlete was invited to indicate whether he wished to attend a hearing (scheduled on 4 April 2014) or to provide a defence in writing.
11. By letter dated 12 March 2014, the Athlete replied he did not wish to attend a hearing but provided a written submission, stating in summary that:
  - He had not taken any doping substances banned in sport;
  - He always checked first to see if the supplements he was taking were "allowed";
  - There were no prohibited substances in his food or nutrients in his diet;
  - He was tested in Warsaw, prior to arriving at the Sochi Olympic Winter Games, and the test did not result in an Adverse Analytical Finding;
  - "At that time", he was taking the following supplements: "Power Gym proteins and hydrocarbons, Multi Power creatine, magnesium and aminoacids", all of which had been tested by a laboratory (although the Athlete did not specify which tests and in which laboratory);
  - During the period of the Sochi Olympic Winter Games, the Athlete, while continuing to take the above-mentioned supplements, added a nutrient called "Craze", manufactured by "Driven Sports";
  - He had checked all supplements against the WADA website;
  - He was very careful about what he ate and he never had any banned substance in his food.

12. The Disciplinary Commission held a meeting on this matter on 4 April 2014 to deliberate on the basis of the facts available to it.
13. It is to be noted that the Athlete listed "Creatine, Amino, Protein" on his Doping Control Form, but did not mention the "Craze" nutrient.
14. It is to be further noted that a search on the internet with the words "Craze", "Driven Sports" and "doping" returns several thousand results.

The first search results are reports on "Craze" containing prohibited substances. Further articles report that the manufacturer of Craze has suspended the production of this supplement in October 2013.

15. By taking food supplements, and in particular "Craze" (which, as the Athlete could have easily checked by making a quick internet search, was reported to be contaminated and actually discontinued by the manufacturer), the Athlete accepted the risk that such supplements be contaminated with Prohibited Substances.
16. 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 **N-ethyl-1-phenylbutan-2-amine** in his body.

As a consequence, the Athlete shall be disqualified from the four men Bobsleigh event.

17. Pursuant to Article 9.1 of the *Rules*, in sports which are not Team Sports but where awards are given to teams (such as in four men Bobsleigh), if one or more team members have committed an anti-doping rule violation, the team may be subject to disqualification, and/or other disciplinary action as provided in the applicable rules of the relevant International Federation (in this case the FIBT and in particular its Anti-Doping Regulations, hereinafter the "*FIBT Rules*").

As a direct consequence of the disqualification of the Athlete in the four men Bobsleigh event, and despite the fact that Dawid Kupczyk, Michal Kasperowicz and Pawel Mroz themselves have not been found to have committed an anti-doping rule violation, the Polish four men Bobsleigh team, consisting of Dawid Kupczyk, Daniel Zalewski, Michal Kasperowicz and Pawel Mroz, shall also be disqualified pursuant to Article 9.1 of the *Rules* and Article 9 of the *FIBT Rules*.

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 Games of the XXII Olympic Winter Games, Sochi 2014 and in particular, Articles 1.2, 2, 7, 8 and 9 thereof and pursuant to the World Anti-Doping Code and, in particular, Articles 2.1 thereof as well as pursuant to the FIBT Rules, in particular Article 9 thereof.

THE DISCIPLINARY COMMISSION OF THE  
INTERNATIONAL OLYMPIC COMMITTEE  
DECIDES

- I. The Athlete, Mr Daniel Zalewski, Poland, Bobsleigh, is disqualified from the four men Bobsleigh event, where he placed 27<sup>th</sup>.
- II. The Four men Bobsleigh Team, composed of Dawid Kupczyk, Daniel Zalewski, Michal Kasperowicz and Pawel Mroz, is disqualified from the four men Bobsleigh event, where it placed 27<sup>th</sup>.
- III. The International Bobsleigh and Tobogganing Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence.
- IV. This decision shall enter into force immediately.

Belek, 9 April 2014

The IOC Disciplinary Commission

Denis Oswald  
Chairman

Gunilla Lindberg

Claudia Bokel