

DECISION OF THE JAMAICA ANTI-DOPING COMMISSION (JADCO)  
DISCIPLINARY PANEL INTO THE ADVERSE ANALYTICAL FINDINGS  
WITH RESPECT TO A SAMPLES TAKEN OVER THE PERIOD 26<sup>TH</sup> TO 28<sup>TH</sup>  
DAYS OF JUNE 2009 FROM YOHAN BLAKE, MARVIN ANDERSON,  
ALLODIN FOTHERGILL AND LANSFORD SPENCE HEARD ON FRIDAY  
THE 07<sup>TH</sup> DAY OF AUGUST 2009 AT THE OFFICE OF THE PRESIDENT AT  
THE UNIVERSITY OF TECHNOLOGY, JAMAICA

Essential Facts of the Case JADCO v Yohan Blake, Marvin Anderson, Allodin  
Fothergill and Lansford Spence

1. We have been asked to determine whether violations of the Jamaica Anti-Doping Commission Rules, 15<sup>th</sup> December 2008, have occurred with respect to the positive findings of a prohibited substance, namely 4-Methyl-2 hexanamine, in the A samples taken over the period 26<sup>th</sup> to 28<sup>th</sup> days of June 2009 at the National Senior Championships from the following athletes Yohan Blake, Marvin Anderson, Allodin Fothergill and Lansford Spence.

2. Dr. Christiane Ayotte from the Laboratoire de controle du dopage, an accredited laboratory of the World Anti-Doping Agency (WADA) in Montreal, Canada conducted tests on the A samples for the abovementioned athletes and adverse analytical findings namely 4-Methyl-2-hexanamine were found in the A samples for the abovementioned athletes.

3. The case presented by JADCO was grounded fundamentally on a document dated May 12, 2009 and titled "**Considerations on the Prohibited Status of Methylhexaneamine in the context of the WADA 2008 List of Prohibited Substances and Methods**", prepared by Dr. Olivier Rabin, Director, Sciences for the World Anti-Doping Agency/ Agence Mondiale Antidopage.

4. Amongst JADCO's submissions was that the Certificates of Analysis from the Laboratoire de Controle du dopage, based on tests conducted by Dr. Christiane Ayotte with respect to each athlete, was conclusive as a prohibited substance under the World Anti-Doping Agency (WADA) Prohibited List, International Standard.

5. JADCO further submitted in its closing arguments that the WADA Prohibited List Committee confirmed this year that Methylhexanamine is a stimulant that has a chemical structure similar to Tuaminoheptane and pharmacological profiles of a sympathomimetic. This was the first time the Panel heard this particular submission and took it into account in making its deliberations.

6. Counsel for the athletes/defence, led by Dr. Lloyd Barnett Q.C., called two experts namely Dr. Peter Ruddock, an organic chemist and Dr. Rachael Irving, a clinical biochemist. Dr. Irving currently teaches Biochemistry Physiology (BC35A) at the University of the West Indies, Mona Campus, Jamaica.

7. Closing submissions from both parties to the hearing were presented to the Disciplinary Panel and the said Panel thanks the parties for providing those submissions within a very short period of time.

#### **Essential Issue for Determination**

8. Whether the substance 4-Methyl-2-hexanamine found in the A samples taken over the period 26<sup>th</sup> to 28<sup>th</sup> days of June 2009 at the National Senior Championships from the athletes constitutes an anti-doping violation in contravention of Article 2 of the Jamaica Anti-Doping Commission Rules.

#### **Essential Findings of the JADCO Panel**

9. Both experts for the athletes/defence were very helpful in explaining the chemical structure of 4 Methyl-2-hexanamine vis-a-vis Tuaminoheptane. Counsel for JADCO have adopted wholly the findings in the document they relied on as prepared by Dr. Rabin that Methylhexanamine, a synonym for 4-methyl-2-hexanamine, has a very similar chemical structure to Tuaminoheptane the latter a prohibited substance on the WADA 2009 prohibited list, international standard.



10. Dr. Ruddock prepared a witness statement and was cross examined in the hearing. It was his view that 4-Methyl-2-hexanamine is not structurally similar to Tuaminoheptane. He demonstrated this structural dissimilarity with the use of exhibits in addition to 2 and 3 dimensional pictures and summarized that the substance identified by the laboratory aforementioned is not structurally similar to Tuaminoheptane. Moreover it was his evidence, that the Panel found credible, **that there is no reliable scientific evidence that has been published that has identified the banned substance, 4-Methyl-2-hexanamine, as having similar biological effects to the substance specified, Tuaminoheptane, on the prohibited WADA 2009 prohibited list, international standard.**

11. Supporting Dr. Ruddock's findings Dr. Irving, who was also cross examined in the hearing, stated in her witness statement that one cannot group 4-Methyl-2-hexanamine as having similar biological properties as Tuaminoheptane. She also demonstrated that although 2 substances can have the same molecular structure for example alcohol, a drink, and dimethyl ether, a gas, they are not the same in terms of their chemical structure. One cannot drink a gas but one can drink alcohol.

12. Dr. Irving went on to say that based on the anatomical therapeutic chemical (ATC) classification system of drug developed and monitored by the World Health Organization (WHO) Tuaminoheptane is classified as ATC-RO1 AA11. There is no ATC classification for 4-Methyl-2-hexanamine. **Accordingly she could not state clearly that these two compounds, Tuaminoheptane and 4-Methyl-2-hexanamine, are biologically similar. As a corollary it could not be stated definitively that 4-Methyl-2-hexanamine would have the same biological effect on the athletes.**

13. Of significance to the Panel's decision was the document prepared by Dr. Rabin that stated inter alia, "*...it should be noted that methylhexaneamine is proposed to be added to the 2010 Prohibited List as a non-stimulant.*" **It cannot be fair to the athletes to be charged with an anti-doping violation, and the serious consequences thereof, when a substance is found in the athletes' A samples but that said substance is not on the most current WADA 2009 prohibited list, international standard.**

14. The Panel agrees with the submission from JADCO that it is each athlete's personal duty to ensure that no prohibited substance enters his or her body...and that it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping rule violation. However this assumes that the substance in issue was a prohibited substance on WADA 2009 prohibited list, international standard and there is insufficient evidence before the Panel to make such a finding.

15. The fact that 1,3 dimethylamlyamine is an ingredient of the product 'Muscle Speed' and is another name for 4-Methyl-2-hexanamine, is of no import because 1,3 dimethylamlyamine is not listed as a prohibited substance on WADA 2009 prohibited list, international standard.

### Conclusion

16. The JADCO Disciplinary Panel unanimously is not persuaded to the standard of proof, bearing in mind the seriousness of the allegations made, that the prohibited substance found in the athletes' A samples taken over the material period 26<sup>th</sup> to 28<sup>th</sup> days of June 2009 at the National Senior Championships, namely 4-Methyl-2-hexanamine, has that sufficient degree of nexus in terms of chemical or biological structure with Tuaminoheptane.


17. In light of the above the Panel will not need to consider issues of intent, fault, negligence or knowing use or any factors in mitigation thereof as they do not arise in the circumstances for the Panel's consideration.


18. The Panel therefore does not find on the evidence presented before it on Friday the 07<sup>th</sup> day of August 2009 that an anti-doping violation occurred with respect to the adverse analytical findings by the Laboratorie de controle du dopage in the A samples taken over the period 26<sup>th</sup> and 28<sup>th</sup> days of June 2009 at the National Senior Championships from the athletes Yohan Blake, Marvin Anderson, Allodin Fothergill and Lansford Spence. In the circumstances no sanctions can be imposed by the JADCO Disciplinary Panel on the said athletes.


19. The JADCO Disciplinary Panel wishes to state however that it finds it worrying that none of the athletes had declared the use of a product 'Muscle Speed', the source of the adverse analytical findings in the athletes' A samples, on their Doping Control Forms filled out over the material period at the National Senior Championships. This despite the fact that the athletes had checked the internet with respect to the product's ingredients as a WADA prohibited substance as well as informing their coaches and or technical personnel associated with their track and field training about the use of the product and had not got any feedback that would have put them in a state of doubt with respect to the product including any ingredient(s) that was a prohibited substance on the WADA 2009 prohibited list, international standard.

20. The Panel is not necessarily saying that these athletes were acting duplicitous in not declaring the use of the product aforementioned on their Doping Control Forms over the material period but the use of any product by any athlete, more particularly in-competition, that may include any ingredient(s) that may have any medicinal effect(s) ought to have been declared on their Doping Control Forms.

AUGUST 09<sup>TH</sup> 2009

PER:   
KENT P. GAMMON - CHAIRMAN OF THE JADCO DISCIPLINARY PANEL

PER:   
MR. BERTLAND CAMERON - MEMBER OF THE JADCO DISCIPLINARY PANEL

PER:   
DR. WINSTON ISLES - MEMBER OF THE JADCO DISCIPLINARY PANEL