

**IN THE MATTER OF PROCEEDINGS BROUGHT BY THE INTERNATIONAL TENNIS  
INTEGRITY AGENCY UNDER THE 2024 TENNIS ANTI-DOPING PROGRAMME**

Before:  
Dr Tanja Haug (Sole Arbitrator)

**BETWEEN:**

**International Tennis Integrity Agency (ITIA)** *Anti-Doping Organisation*

**and**

**Irina Fetecău** *Respondent*

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**DECISION OF THE INDEPENDENT TRIBUNAL**

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**A. Introduction**

1. The International Tennis Integrity Agency (the “**ITIA**”) was established by the International Tennis Federation (the “**ITF**”), the global governing body for the sport of tennis and a signatory of the World Anti-Doping Code (the “**Code**”), as a delegated third party under the Code. The ITIA is responsible for the management and administration of the Tennis Anti-Doping Programme (the “**TADP**”), which sets out Code-compliant anti-doping rules applicable to players competing in Covered Events.
2. The Respondent, Ms Irina Fetecău (the “**Player**”), is a 29-year-old Romanian professional tennis player who has played in Covered Events, including WTA tournaments, since 2014. She achieved a career-high WTA singles ranking of 207 in December 2021 and doubles

ranking of 310, in January 2019. Due to her WTA ranking and participation in Covered Events in 2024, she is bound by the TADP.

3. The ITIA has charged the Player with Anti-Doping Rule Violations (“**ADRVs**”) under TADP Articles 2.1 and/or 2.2, based on the presence of 4-Methylpentan-2-amine found in her urine Sample collected In-Competition on 2 April 2024.
4. The Player acknowledges the presence of 4-Methylpentan-2-amine in her system and admits to the TADP Article 2.1 and Article 2.2 ADRVs charged. However, she denies intentional Use of a Prohibited Substance, contending that the Prohibited Substance entered her body as a result of an undisclosed contaminant in a supplement taken before Sample collection.
5. The ITIA accepts that the Player established the source of the Prohibited Substance in her urine Sample originated from an undisclosed contaminant in the supplement “Gorilla Alpha Yeti Juice” which the Player took prior to Sample collection.
6. The Player seeks a reduction in the period of Ineligibility, in accordance with TADP Article 10.6.1.2, on the basis that she bore No Significant Fault or Negligence.
7. Hereafter, the ITIA and the Player are each referred to individually as a “**Party**” and collectively as the “**Parties**”.

## **B. Factual Background**

8. Set out below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced in these proceedings. Additional facts and allegations may be set out, where relevant, in connection with the subsequent legal discussion. While the Chair has considered all facts, allegations, legal arguments, and evidence submitted by the Parties, she refers in this decision only to the submissions and evidence she considers necessary to explain her reasoning.
9. The Player participated in the ITF World Tennis Tour (“**WTT**”) W75 event held in Florianopolis, Brazil from 1 to 7 April 2024 (the “**Event**”).

10. On 2 April 2024, the Player provided a urine Sample (the “**Sample**”). The Sample was assigned reference number 1348222, split into A Sample and B Sample, and sent to the WADA-accredited laboratory in Montreal, Canada (the “**Laboratory**”) for analysis.
11. On her Doping Control Form (“**DCF**”), the Player declared eleven medications, minerals and supplements taken over the past seven days, including “*Yeti Juice preworkout drink*”. The Player also stated on the DCF that she had taken two scoops of the Yeti Juice on the day of the Sample collection.
12. On 24 May 2024, the Laboratory reported an Adverse Analytical Finding (the “**AAF**”) due to the presence of 4-Methylpentan-2-amine in the A Sample. The concentration was estimated at 52 µg/mL, above the Minimum Reporting Level at 50 ng/mL.
13. 4-Methylpentan-2-amine, also known as 1,3-Dimethylbutylamine (the “**Substance**”), is a stimulant which is listed in Section S6.B of the 2024 World Anti-Doping Agency (“**WADA**”) Prohibited List. It is a Specified Substance and is prohibited In-Competition only.
14. The AAF reported by the Laboratory was considered by an independent Review Board in accordance with TADP Article 7.4. The Review Board did not identify any apparent departures from the applicable Sample collection and Sample analysis procedures that could have caused this AAF. It therefore decided that the Player had a case to answer for breach of TADP Articles 2.1 and/or 2.2.
15. On 24 May 2024, the ITIA notified the Player that she may have committed ADRVs under TADP Articles 2.1 and/or 2.2, based on the presence of 4-Methylpentan-2-amine in her A Sample (the “**Notice**”).
16. On 3 June 2024, the Player filed her initial response to the Notice. She admitted the possible ADRVs but disputed the default Consequences described in the Notice. She requested the B Sample to be analysed.
17. The Player asserted she (i) never intentionally ingested Prohibited Substances, suggesting contamination as a possible cause, (ii) consistently used the supplements listed on the DCF and had tested negative in September 2023, despite using the same supplements over the past year, (iii) always consulted her specialist doctor, [REDACTED]

██████, before taking any supplement. She requested an analysis of the supplements by a WADA-accredited laboratory to verify them for potential contamination.

18. On 6 June 2024, the Laboratory reported the presence of 4-Methylpentan-2-amine in the B Sample, confirming the A Sample.
19. On 17 June 2024, the ITIA informed the Player of the B Sample analysis results, and that the matter will proceed in accordance with the ITIA's letter of 24 May 2024.
20. By letter dated 26 June 2024, the Player requested the ITIA's agreement to have the supplements she purchased on 8 March 2024 analysed by a WADA-accredited laboratory, preferably the one in Seibersdorf, Austria (the "**Seibersdorf Laboratory**"), for reasons of speed and cost. She requested that the analysis be of the container of the Gorilla Alpha supplement "Yeti Juice" (the "**Gorilla Alpha Supplement**" or "**Yeti Juice**") she used when the Sample was collected and other containers of the Yeti Juice with either the same or different batch numbers.
21. On 1 July 2024, the ITIA confirmed that it has no objection to the Player having her supplements tested at the Seibersdorf Laboratory, and that it will recognise the results this WADA-accredited laboratory will issue.
22. By report of 6 August 2024, the Seibersdorf Laboratory confirmed the presence of 1,3-Dimethylbutylamine (4-Methylpentan-2-amine) in the product "Yeti Juice Apple Candy", Batch number B09246, with an expiry date of 13 September 2025. The concentration of 1,3-Dimethylbutylamine was estimated to be approximately 1.4 mg/g. The Seibersdorf Laboratory also noted that the bottle containing the supplement had already been opened.
23. On 7 August 2024, the ITIA sent the Player the analytical certificate from the Seibersdorf Laboratory and informed her that she needed to provide an unopened container of the same flavour and batch of the Gorilla Alpha Supplement she was taking at the time of her test for laboratory analysis.
24. In August 2024, the Player and her support team made significant efforts to locate an identical Gorilla Alpha Supplement with the same batch number. The Player tasked Mr Mircea-Stefan Mohora with finding the product in England at the official Gorilla Alpha store. Despite numerous attempts and conversations with their offices, including a final

check on 24 November 2024, he was unable to locate another container of “Yeti Juice Apple Candy” with Batch number B09246. Meanwhile, Mr Mihai Macamete, on behalf of the Player, visited [REDACTED], the official supplier in Romania, at its offices in Bucharest to inquire about the Yeti Juice and try to find one with the same batch number. Unfortunately, [REDACTED] had none available. After his visit, the Player's team received confirmation that [REDACTED] would no longer sell Gorilla Alpha supplements in Romania.

25. On 1 October 2024, after discussions with the ITIA about engaging a suitable scientific expert, and with their agreement, the Player instructed Dr Hans Geyer, Deputy Head of the WADA-accredited laboratory in Cologne, Germany to provide an expert opinion. Dr Geyer's report focused on whether the amount of 4-Methylpentan-2-amine found in the Player's Sample could be attributed to her consumption of the Gorilla Alpha Supplement prior to the Sample collection of 2 April 2024, as described by the Player. Dr Geyer was provided, *inter alia*, with the Laboratory's Documentation Package, the Seibersdorf Laboratory's report, and the Player's administration scheme for the Yeti Juice.
26. On 15 October 2024, Dr Geyer informed the Parties:

*“Based on the provided information and on our experience, it cannot be excluded that the roughly estimated urinary concentration of 4-methylpentan-2-amine (1,3-dimethylbutylamine) in the urine sample 1348222 of the athlete originates from the declared administration of the supplement Yeti Juice Apple Candy from Gorilla Alpha.”*
27. On 5 November 2024, the ITIA formally charged the Player with ADRVs under TADP Articles 2.1 and 2.2 (the “**Charge Letter**”). As the AAF was based on the presence of a Specified Substance, in accordance with TADP Article 7.12.1, no Mandatory Provisional Suspension was imposed.
28. On 6 December 2024, the Player filed a written response, admitting the Charge, but contesting the Consequences. She sought a significant reduction in the period of Ineligibility in accordance with TADP Article 10.6, on the basis that she bore No Significant Fault or Negligence, and in line with the recent cases of Simona Halep, Jannik Sinner and Iga Swiatek.

### C. Proceedings before the Independent Tribunal

29. On 13 January 2025, the matter was referred to the TADP Independent Panel.
30. On 24 January 2025, Dr Tanja Haug (the “**Chair**”) was appointed to chair the Independent Tribunal to hear this matter (the “**Tribunal**”).
31. On 3 February 2025, the Chair convened a preliminary meeting, via video conference, with the Parties and their legal representatives, in accordance with TADP Article 8.3. During this meeting, the Parties agreed the procedural calendar and that the Chair should hear the matter sitting alone. The hearing was scheduled for 3 April 2025, and the Chair issued procedural Directions as agreed on the same day.
32. On 24 February 2025, the Player submitted her Brief.
33. On 24 March 2025, the ITIA submitted its Answer Brief.
34. On 1 April 2025, the Player requested the Chair accept (i) Dr Baican's testimony in place of Mr Mohora and Mr Macamete, whose written testimonies were already on file and had been unchallenged by the ITIA. Dr Baican, one of the Player's mental coaches, would address the Player's state of mind and the emotional challenges she had experienced in recent months, (ii) the submission of [REDACTED]'s recognition/collaboration with the Romanian NADO, and (iii) a Certificate of Analysis (“**CoA**”) from [REDACTED], if received.
35. On 2 April 2025, the Chair rejected the request to consider Dr Baican's testimony, noting the request was submitted too late - only two days before the hearing - and without notifying the ITIA. Although the ITIA may have been aware that the Player intended to file this request, procedural fairness dictated the Chair's decision. The request to submit documents regarding [REDACTED]'s recognition and the CoA was granted.
36. On 3 April 2025, a hearing was held by video conference (the “Hearing”). The Chair was assisted by Ms Astrid Mannheim, Senior Case Manager at Sport Resolutions. The Chair is very grateful for the effective support and assistance by Sport Resolutions, as Secretariat.

37. The following individuals attended the hearing:

For the ITIA:

- a) Mr Ben Rutherford, Senior Director, Legal
- b) Ms Julia Lowis, Senior Legal Counsel (observer)
- c) Ms Kathy Stirling, Senior Legal Counsel (observer)

For the Player:

- a) Ms Irina Fetecău
- b) Mr Vlad Epure, counsel for the Player
- c) [REDACTED] (expert witness)

Two interpreters facilitated translation between Romanian and English throughout [REDACTED]'s testimony.

- 38. At the outset of the Hearing, the Parties confirmed that they had no objection to the jurisdiction of the Independent Tribunal in this matter and no objection in respect of the Chair to hear this matter sitting alone.
- 39. At the conclusion of the Hearing, the Parties confirmed that due process had been fully observed and that they had no objection to the manner in which the proceedings had been conducted.
- 40. The Chair appreciates the professional collaboration and dedication demonstrated by the counsel of both Parties throughout the proceedings.

#### **D. Submissions of the Parties**

- 41. This outline of the Parties' positions is illustrative and may not encompass every submission made. However, the Chair has thoroughly considered all submissions whether or not they are specifically mentioned in the following summary.

**i. Player's Evidence**

42. The Player testified at the hearing.
43. The Player submitted a written expert statement from Dr Hans Geyer, dated 15 October 2024. Dr Geyer is the Deputy Head of the WADA-accredited laboratory at the Institute of Biochemistry, German Sports University, Cologne, Germany.
44. The Player also provided witness statements from [REDACTED], Mr Mircea-Stefan Mohora and Mr Mihaiu Macamete, all dated 27 February 2025.
45. [REDACTED] additionally testified at the Hearing.

**ii. The Player's position**

46. As to her general background, the Player submits:
- 46.1. She has never intentionally taken any Prohibited Substance and would never do so. She is the subject of regular In-Competition and Out-of-Competition anti-doping tests and takes her anti-doping responsibilities very seriously, as does her team.
- 46.2. During her whole career as a tennis player, she had never tested positive.
- 46.3. It is well known that 4-Methylpentan-2-amine is unsafe and may increase the risk of serious side effects, such as rapid heartbeat, high blood pressure, and increased risk of heart attack or stroke. She would not have intentionally risked her health to enhance her sports performance.
- 46.4. On 15 May 2024, before receiving the Notice, she visited a cardiologist because "*she felt like having heart palpitation symptoms and needed to check them out*". In hindsight, these symptoms might have been caused by the Prohibited Substance in the Yeti Juice, which she would not have taken intentionally.
47. In respect of the Gorilla Alpha Supplement, the Player submits:
- 47.1. In early 2023, she was looking for a new supplement to replace another she was taking at the time. As she is not a morning person, her intention was to find a substitute



for a supplement which contained coffee to help her stay focused and maintain her energy levels during morning training sessions and competitions.

47.2. On the internet, she found the supplement Yeti Juice Preworkout Drink of the brand Gorilla Alpha, which promised to have the effect she was looking for and “*seemed to be very safe*”.

47.3. Before ordering and consuming the Yeti Juice, she sought advice from her specialist doctor, [REDACTED].

47.3.1. On 14 March 2023, she sent [REDACTED] a message via WhatsApp, asking for his opinion on the Yeti Juice. [REDACTED] responded to the Player via WhatsApp, confirming that the Yeti Juice “*appeared ok*”.

47.3.2. Additionally, in the first half of April 2023, at their first in person meeting before the start of her competition season, she asked [REDACTED] again about the Yeti Juice due to her concerns about two ingredients listed on the container, but not because she had any concerns regarding possible contamination.

47.3.3. [REDACTED] personally and carefully verified the ingredients of the Yeti Juice against the WADA Prohibited List and other sources before agreeing that the Player could use the supplement. There were no warnings regarding Yeti Juice’s ingredients on the Gorilla Alpha official site or on its label.

47.3.4. In his review, [REDACTED] also placed special emphasis on the manufacturer’s location and where the supplement was produced. Since both were in the UK, he assessed that the supplement was safe for the Player to consume.

47.3.5. According to the team at Gorilla Alpha, they source all their ingredients from reputable suppliers, and all ingredients have CoAs, as required by UK legislation.

47.4. Only after [REDACTED] analysed the label on the Yeti Juice container and confirmed it was safe for the Player to consume, did she start taking it during harsh training sessions and on competition days, “*with the aim to boost her energy*”.

47.5. After receiving the positive results from the Laboratory, *“she made all efforts to find another Gorilla Alpha supplement which had the same batch number to prove it was contaminated”* and had *“taken all possible steps in order to find a container identical in both batch number and flavour with the contaminated one”*. She documented the manufacturer and supplier’s responses to her requests.

47.6. The Player is confident that the Gorilla Alpha Supplement, which she took on the day of the Sample collection and declared on the DCF, was the source for the AAF. Therefore, she believes she has met her burden of proof regarding the origin of the Prohibited Substance.

48. As to her degree of Fault, the Player submitted:

48.1. She has consistently exercised caution in anti-doping matters, ensuring that any medication or supplement she ingests or administers poses minimal risk of inadvertently causing an anti-doping issue.

48.2. She recruited experienced team members and ensured her entourage was educated about anti-doping.

48.3. She collaborated with [REDACTED], a highly experienced and well-reputed sports medicine specialist and university professor. [REDACTED] has 17 years of experience in professional sports, advising numerous national and Olympic teams, and possesses significant expertise in anti-doping matters.

48.4. [REDACTED] was recommended by her orthopaedic surgeon, who operated on her knee in 2022 and co-authored a book with [REDACTED].

48.5. She specifically engaged [REDACTED] in early 2023 to consult on every medication, supplement, or mineral she needed or intended to take, addressing medical and anti-doping issues to ensure they would be safe and free of Prohibited Substances.

48.6. Due to his experience and reputation, she trusted and relied on [REDACTED]’s advice.

48.7. [REDACTED] also confirmed that she *“could not have suspected anything was wrong with the supplement Yeti Juice”* as she had been taken it consistently for a year, including

during fall 2023 when she was tested In-Competition and the results were negative. He also stated that the concentration reported in the AAF could not have enhanced her performance.

49. During the proceedings, the Player initially argued for the assumption of No Fault or Negligence but later accepted at the Hearing that No Fault or Negligence was not applicable in this case.
50. The Player claims she meets the criteria set out in the TADP for No Significant Fault or Negligence, as there is no dispute about how the Prohibited Substance entered her system, and her degree of Fault was minimal. She asserts that she exercised all due diligence in the specific circumstances, leaving “*no stones unturned*”, and that there was nothing more she could have realistically done or that the TADP required her to do.
51. As to the appropriate period of Ineligibility, the Player argues that it should align with, or be less than, the sanctions imposed in the cases of Simona Halep, Jannik Sinner and Iga Swiatek.
52. The Player’s requests for relief, outlined in her Appeal Brief of 24 February 2025 and modified during the Hearing, can be summarised as follows:
  - 52.1. To confirm that the ADRVs were caused by a Contaminated Product, and that the Player bears No Significant Fault or Negligence.
  - 52.2. To reduce the sanction in accordance with TADP Article 10.6, sanctioning the Player with a period of Ineligibility of up to six months or, in the alternative, lower than 12 months.
  - 52.3. To establish that the period of Ineligibility shall commence, at the latest, on the date the Independent Panel’s Award is issued.

### **iii. The ITIA’s position**

53. The ITIA submits that the ADRVs charged, pursuant to TADP Articles 2.1 and/or 2.2, should be upheld.

54. The ITIA acknowledges the conclusion of Dr Geyer, expressed in his statement of 15 October 2024, and accepts that the Player has established that it is more likely than not that the presence of the Prohibited Substance in the Player's Sample was due to the presence of the Prohibited Substance as an undisclosed contaminant in the Gorilla Alpha Supplement, *Gorilla Alpha Yeti Juice Preworkout Drink*, which she took on 2 April 2024 prior to the collection of her Sample.
55. The ITIA submits that the Player's commission of the ADRVs was not 'intentional' within the meaning of TADP Articles 10.2.1 and 10.2.3, and therefore the two-year period of Ineligibility set out in TADP Article 10.2.2 applies, subject to potential further mitigation.
56. The ITIA submits that No Fault or Negligence is not applicable in this case, referencing the Comment to 10.5 of the Code and CAS jurisprudence, particularly the case of *Knauss v FIS* (CAS 2005/A/84), due to the well-known risks of contamination and mislabelling in nutritional supplements.
57. The ITIA accepts the Player's evidence that she instructed an experienced sports doctor, [REDACTED], to review the list of ingredients declared on the Gorilla Alpha Supplement and confirm that the ingredients list did not contain any Prohibited Substances. However, no evidence has been provided that [REDACTED] completed any formal anti-doping training from the ITIA, the Romanian NADO, or similar.
58. As outlined in TADP Article 1.3.1, it is the "*personal responsibility*" of each player bound by the TADP to "*be knowledgeable of and comply with this Programme at all times*", "*take responsibility for what they Use*", "*carry out research regarding any products or substance that they intend to Use to ensure that Using them will not constitute or result in an Anti-Doping Rule Violation*", and "*ensure that any medical treatment they receive does not violate this Programme*".
59. The Player knew, and is deemed to have been on specific notice, of the significant risk that supplements might contain undisclosed Prohibited Substances. She could not rely solely on a cursory check of the Gorilla Alpha Supplement's ingredients label, even if conducted by an experienced sports doctor. The ITIA supports this position by submitting:

59.1. The WTA website includes a webpage on dietary supplements<sup>1</sup>, which specifically identifies three categories of supplements, the third being “Ergogenic aids”, described as *“performance enhancing,’ this refers to any substance that provides a mental or physical edge while completing work...Caution towards ergogenic aids is based upon poor regulatory laws (ie. Not monitored by the FDA) and limited research of the long term health effects”*.

59.2. The Player completed ITIA anti-doping education on 28 March 2022, prior to taking the Gorilla Alpha Supplement. This education included a question on supplements, which she answered incorrectly: *“The ingredients in supplements are not always accurately listed and there is a risk of contamination with prohibited substances”*. She was notified of her incorrect answer upon completion.

59.3. The ITIA website includes a webpage specifically warning about the use of supplements. In the version available as early as December 2022, the webpage included the following warning: *“Supplements should be regarded with caution, as there is a substantial risk of contamination with prohibited substances and/or substances that are hazardous to health. Supplements are not classed as foods, and so are not subject to the same manufacturing standards. For this reason, you cannot always rely on the list of ingredients. Several Anti-Doping Rule Violations under the TADP (Tennis Anti Doping Programme) have occurred due to the presence of prohibited substances in supplements consumed.”*<sup>2</sup>

60. The Gorilla Alpha Supplement must be considered a high-risk product.

60.1. The website and marketing for the Gorilla Alpha Supplement clearly indicate a likelihood that they either contain, or may be contaminated, by Prohibited Substances, to achieve the promised results. The website features bright packaging with a gorilla face and describes the “New Yeti Juice Apple Candy Flavour” as *“Expect A FULL ON Powerful Ultimate Energy Blast, And That Next Level Laser Focus To Keep You Locked And Dialled In 100. Unleash Wild Strength. Full Muscle Pumps, And Stellar*

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<sup>1</sup> <https://www.wtatennis.com/news/1417646/dietary-supplements>

<sup>2</sup> <https://web.archive.org/web/20221223234355/https://itia.tennis/tadp/supplements/>.

*Performance With The Legendary Yeti Juice An Unmistakable One Of A Kind Pre Workout Drink Mix From The GB.”*

60.2. Additionally, other supplements produced by the same company have descriptions suggesting they may contain Prohibited Substances to achieve the promised results.

60.3. There is no indication that these products are designed for professional athletes, as there is no label confirming that the supplements are batch tested or otherwise certified from an anti-doping perspective.

61. The Player did not take additional steps to ensure the safety of the Gorilla Alpha Supplement. She did not verify if the product was batch tested, consult other players to see if they had used the same supplement, or independently order a batch testing.

62. In the Answer, the ITIA requested the following for relief:

- a. *“to find that the Player has committed ADRVs under TADP Article 2.1 and 2.2, in that 4-methylpentan-2-amine was present in her urine sample collected In-Competition on 2 April 2024;*
- b. *to find that the ADRVs were caused by a Contaminated Product and that the Player bore No Significant Fault or Negligence for the violation within the meaning of TADP Article 10.6.1.2 (but that the Player cannot establish she bore No Fault for the violation);*
- c. *to impose a period of Ineligibility of 12 months, commencing on the date of the decision; and*
- d. *to disqualify the Player’s results achieved in the Event pursuant to TADP Article 9.1, with all resulting consequences, including forfeiture of all medals, titles, ranking points and prize money, but not at subsequent events on the grounds of fairness pursuant to TADP Article 10.10.”*

## **E. Legal Framework**

### **i. Applicable Law**

63. The applicable regulations in these proceedings are the TADP<sup>3</sup>.
64. TADP Article 1.1.4 provides that the TADP *“must be interpreted in a manner that is consistent with the Code and the International Standards (each as amended from time to time). The Code and this Programme must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any Signatory or government. The comments annotating various provisions of the Code, the International Standards, or this Programme, are to be used to interpret the Programme.”*
65. In accordance with TADP Article 1.1.5 “[s]ubject to Article 1.1.4, this Programme is governed by English law.”
66. Accordingly, English law applies subsidiarily to the TADP, construed in accordance with the Code and the Comments thereto.

## **ii. Jurisdiction**

67. The Independent Tribunal has been established in accordance with TADP Article 8.1, which provides that the Tribunal shall determine Anti-Doping Rule Violations committed under the TADP.
68. The Parties confirmed in the Hearing that the Tribunal had jurisdiction to hear the present matter. Each Party fully participated in these proceedings without objection as to jurisdiction.

## **F. MERITS**

### **i. The Anti-Doping Rule Violation**

69. Pursuant to TADP Article 2.1 (‘presence’) and Article 2.2. (‘Use’), the presence and Use of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample constitutes

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<sup>3</sup> As the Sample was collected in April 2024, the substantive rules of the 2024 TADP apply, while the procedural rules of the 2025 TADP are in effect. However, there is no substantive difference between the procedures outlined in the 2024 and the 2025 rules.



an ADRV, unless the Player establishes that such presence is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with TADP Article 4.4.

70. These elements are all undisputed: the analysis of the Sample reported an AAF of 4-Methylpentan-2-amine, which is listed under S.6.b (Specified Stimulants) of the 2024 WADA Prohibited List, the Sample was taken In-Competition, and the Player had not been granted a TUE for the Substance.
71. On 3 June 2024, the Player explicitly accepted the presence of the Prohibited Substance and that she had committed ADRVs under TADP Articles 2.1 and 2.2. The Player continues to accept the ADRVs in these proceedings.
72. Therefore, this case concerns itself exclusively on sanction and the Chair must now determine the Consequences to be imposed accordingly to the Player’s ADRV.

## ii. The Appropriate Period of Ineligibility

73. TADP Articles 10.2.1 and 10.2.2 provide that the sanction to be imposed for ADRVs under Article 2.1 and/or Article 2.2. is as follows:

*“10.2.1 [...] **the period of Ineligibility** [for an Article 2.1 and/or 2.2 ADRV that is the athlete’s first offence] will be **four years**:*

*10.2.1.1 where the Anti-Doping Rule Violation does not involve Specified Substance or a Specified Method, unless the Player [...] establishes that the Anti-Doping Rule Violation was not intentional; and*

*10.2.1.2 where the Anti-Doping Rule Violation **involves a Specified Substance** or a Specified Method **and the ITIA can establish that the Anti-Doping Rule Violation was intentional.***

*10.2.2 **If Article 10.2.1 does not apply**, then [...] the period of Ineligibility will be **two years.***” (Emphasis added)

74. 4-Methylpentan-2-amine is a Specified Substance and the ITIA has acknowledged that it has not been established that the ADRV was intentional.



75. The period of Ineligibility should therefore be two years, subject to potential further mitigation under TADP Articles 10.5 or 10.6.
76. The ITIA submits that TADP Article 10.5 (No Fault or Negligence) is not applicable in this case and, inter alia, refers to the Comment of Article 10.5 of the Code, which emphasises the standard required for No Fault or Negligence:

*“This Article [...] will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, **No Fault or Negligence would not apply in the following circumstances:***

- (a) ***a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement** (Athletes are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination)”.*  
(Emphasis added)

77. During the hearing, the Player acknowledged, based on the ITIA’s arguments, that ingesting the contaminated Yeti Juice, which resulted in the AAF, does not qualify for a finding of No Fault or Negligence.
78. The Chair agrees and therefore turns to a possible mitigation under TADP Article 10.6, based on No Significant Fault or Negligence.

### **III. Mitigation under TADP Article 10.6.1.2**

79. TADP Article 10.6.1.2 provides for the reduction of the period of Ineligibility on the grounds of No Significant Fault or Negligence in the case of a Contaminated Product:

*“In cases involving a Prohibited Substance that is not a Substance of Abuse, where the Player [...] can establish **both No Significant Fault or Negligence** for the violation **and that the Prohibited Substance came from a Contaminated Product**, 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 Player’s [...] degree of Fault.”*  
(Emphasis added)

80. 'No Significant Fault or Negligence' is defined in the TADP<sup>4</sup> as follows:

*"The Player [...] establishing that their 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."*

81. A 'Contaminated Product' is defined in the TADP<sup>5</sup> as:

*"A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search."*

82. During the Hearing, the Parties agreed that No Significant Fault or Negligence applies given the specific circumstances of the case.

83. The Player has also satisfied the Chair, as explained further below, that on the balance of probabilities, the Prohibited Substance came from a Contaminated Product and that she bears No Significant Fault or Negligence.

a) Consideration of the appropriate sanction under TADP Article 10.6.1.2

84. TADP Article 10.6.1.2 grants the Tribunal discretion to impose a period of Ineligibility ranging from 0 to 24 months, based on the Player's degree of Fault.

85. In assessing the Player's Fault or degree of Fault, the Chair must carefully consider the circumstances as a whole, specifically evaluating the relative Fault of the Player by determining how far she deviated from her duty under the TADP to exercise "*utmost caution*" (as would be required for No Fault or Negligence)<sup>6</sup> to ensure that she would not ingest any Prohibited Substances.

86. In order to support their positions, both Parties referred to various CAS and first instance jurisprudence.

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<sup>4</sup> Appendix One of the TADP.

<sup>5</sup> Appendix One of the TADP.

<sup>6</sup> See the Definition of "No Fault and Negligence" in Appendix One of the TADP: "*The Player [...] establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance [...] violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1 the Player must also establish how the Prohibited Substance entered their system.*"

87. The ITIA further submits:

*“Where the CAS has had occasion to interpret and apply a particular Code provision (as incorporated into the anti-doping rules of a Code signatory), in the ITIA’s respectful submission, absent exceptional circumstances the Independent Tribunal should follow that CAS interpretation when called upon to apply the same provision in cases under the TADP, in order to achieve the consistency and harmonisation that are the main objective of the Code. For the same reason, the decisions of prior first instance and appeal tribunals in relation to the TADP, or of other first instance and appeal hearing panels interpreting and applying Code-compliant rules, while not binding in any way, may be useful to assist the Independent Tribunal in determining how to interpret and apply the provision in question, where the reasoning in those decisions is persuasive.”*

88. The Chair concurs with the Parties that the Player’s degree of Fault should be assessed in light of other contamination cases. However, before addressing the cited jurisprudence, the Chair emphasises that while the same rules and procedures apply to all players, each case is unique and turns on its specific facts. The details are crucial, meaning that cases with differing key facts are not directly comparable and should either not be considered as benchmarks or only for interpretative purposes.

*b) Relevant contamination cases*

89. The Player referred to the cases of:

89.1. *Iga Świątek*<sup>7</sup>: The player tested positive for the Prohibited Substance Trimetazidine (a non-Specified Substance), which was identified by the WADA-accredited SMRTL laboratory as being present in both opened and unopened melatonin tablets the player had been taking around the time of the positive sample collection. It was therefore accepted that the ADRV resulted from a Contaminated Product, however, the Contaminated Product in question was not a nutritional supplement but a regulated medicine in Poland. The player accepted a one-month period of Ineligibility, which was appropriate *“because the source of the Player’s violation was a contaminated medication (as opposed to a contaminated supplement) and the player reasonably*

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<sup>7</sup> Decision of the ITIA dated 27 November 2024; Summary taken from ITIA Answer, para 61b.

*perceived a lower degree of risk of contamination due to the higher regulatory standards for medicines in the European Union (as compared to supplements)”.*

89.2. *Jannik Sinner*<sup>8</sup>: The player tested positive for low levels of a metabolite of Clostebol (a prohibited, non-Specified Substance), which it was accepted had entered his system as a result of contamination during massage treatment from a support team member, who had (unknown to the player) been applying an over-the-counter spray (available in Italy) to their own skin to treat a small wound. This was therefore not a Contaminated Product case, and Article 10.6.1.2 did not apply. At first instance, the Tribunal found no period of Ineligibility on the basis that the player bore No Fault or Negligence, however, following an appeal by WADA, a case resolution agreement was reached by which the player accepted a three-month period of Ineligibility.

89.3. *Simona Halep*<sup>9</sup>: The player tested positive for the prohibited substance Roxadustat (a non-Specified Substance), which, on appeal to the CAS, was found to have entered her body through the consumption of a contaminated collagen food supplement (a Contaminated Product). In finding that the appropriate period of Ineligibility was nine months, the panel considered, *inter alia*:

89.3.1. The player had taken advice from experienced sports personnel “*who were responsible for managing the player’s performance at one of the leading tennis training centres in the world.*” The personnel had checked the listed ingredients of the collagen supplement and other products from the same company against the WADA website (although “*there was no suggestion...that she advised the player of the dangers related to the use of nutritional supplements*”);

89.3.2. The sports personnel had been informed that another well-known male player had used products from the same company;

89.3.3. The player “*could not simply delegate her anti-doping responsibilities to [her sports personnel]. The player would have, or at least should have, known, that taking the [collagen] supplement carried a degree of risk. The existence of*

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<sup>8</sup> Decision of the Independent Tribunal dated 19 August 2024; Summary taken from ITIA Answer, para 61a.

<sup>9</sup> Decision of the Court of Arbitration for Sport dated 20 September 2024 (CAS/A/10025, CAS/A/10227); Summary taken from ITIA Answer, para 61.c.

*contaminants in nutritional supplements is now, and was then, widely known. The Comment to Article 10.6.1.2 of the WADC notes that 'Athletes are on notice that they take nutritional supplements at their own risk.' Although not adduced by either party, the WTA website includes a webpage on dietary supplements, dated 26 July 2017, which warns about the risks of contamination of dietary supplements, advises players to see a physician or a sports dietitian prior to taking a supplement, and provides a link to a webpage which identifies products which have been certified to be free of prohibited substances."*

89.3.4. *"Although the player took some steps to satisfy herself that the [collagen] supplement was safe to use (or arranged for someone to do so on her behalf), those steps were little beyond the minimum required of an athlete in her position. Where a prohibited substance has come from a contaminated supplement, the act of checking that the supplement's ingredients do not include prohibited substances (or having someone do so on one's behalf) can be said to be merely a threshold requirement to establish no significant fault or negligence."*

90. The Player submits that her period of Ineligibility should be at most in line with the sanctions imposed in the aforementioned cases, if not lower than average, especially in consideration of the fact that:

90.1. these cases involved non-Specified Substances, prohibited at all times. The nature of the substance alone would allow for a reduction from the otherwise two-year applicable suspension;

90.2. she declared her Use of the Yeti Juice on the DCF, contrary to Simona Halep, who did not list the collagen nutritional supplement on the doping control form when tested;

90.3. the Gorilla Alpha Supplement was verified by her specialist doctor and an internet search was conducted, showing no signs of warning.

91. The ITIA countered that the cases of Jannik Sinner and Iga Świątek cannot be used as benchmarks.

92. In addition, the ITIA also referred to the cases of Nikola Bartůňková and Kamil Majchrzak as other relevant tennis contamination cases and summarised these as follows:

92.1. Nikola Bartůňková <sup>10</sup>:

*“The player tested positive for Trimetazidine, which was identified by the SMRTL laboratory as being present in a supplement used by the player containing vitamin B, vitamin E, and milk thistle extract. The milk thistle supplement had been recommended to the player by her general practitioner, who had some experience in sports medicine, the player had told the physician that she was a professional tennis player and specifically checked with the doctor that the ingredients of the supplement were not prohibited under anti-doping rules and the doctor confirmed that they were not (having undertaken checks and previously prescribed the supplement to other athletes subject to anti-doping rules), the player and her parents had also undertaken checks of the ingredients list against the WADA prohibited list, and she had sourced the supplement from a reputable pharmacy. The six-month period of Ineligibility which the player accepted reflected the facts that the supplement itself was a vitamin product (therefore with an inherently lower risk than the Gorilla Alpha Supplement), in addition to the player and her parents having undertaken a degree of diligence on the product”.*

92.2. Kamil Majchrzak <sup>11</sup>:

*“The player tested positive (in multiple tests between September and November 2022) for SARM S-22, GW0742 and LGD-4033 (prohibited, non-Specified Substances), which were identified by the WADA-accredited Montreal laboratory as being present in a supplement which had been recommended to him by a dietician (introduced to him by his physical trainer) in order to help with muscle cramps. It was accepted that the player had checked in advance that the supplement did not list any prohibited substances as ingredients, and had informed the dietician that he was a professional tennis player and so subject to anti-doping rules. The player nonetheless accepted a 13-month period of ineligibility, based on the inherent risks of contaminated supplements, which had been widely publicised, and of which the player was on notice”.*

93. The ITIA submits that

*“the degree of fault to be attributed to the Player.*

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<sup>10</sup> Decision of the ITIA dated 11 November 2024; Summary taken from ITIA Answer para 62.a.

<sup>11</sup> Decision of the ITIA dated 16 June 2023; Summary taken from ITIA Answer para 62.b

- a. *is greater than that of Bartunkova, whose contamination arose from a vitamin product, which is of lower risk than a 'Prenatal Drink' (the Gorilla Alpha Supplement). The period of Ineligibility should therefore be greater than six months;*
- b. *is greater than that of Halep, whose contamination arose from a collagen food supplement, also of lower risk than a Prenatal Drink. The period of Ineligibility should therefore be greater (or at least equal to) nine months;*
- c. *is slightly less than that of Majchrzak, whose contamination arose from a supplement recommended by a dietitian, which in fact contained multiple Prohibited Substances.”<sup>12</sup>*

c) What is the Player's degree of Fault?

94. The Player's unchallenged evidence is that, prior to using the Yeti Juice, she relied on her very experienced and well-reputed sports doctor, [REDACTED], to check and confirm that the product was safe for the Player to take.
- 94.1. The ITIA acknowledged [REDACTED]'s qualifications in sports medicine but questioned his competence in anti-doping.
- 94.2. In the Hearing, [REDACTED] testified that, although he had not attended ITIA or Romanian NADO training, he had participated in a workshop organised by the International Testing Agency (ITA) where contaminated supplements were included in one element of the discussion.
- 94.3. Additionally, [REDACTED] stated at the Hearing that he advises other athletes on anti-doping issues and is familiar with anti-doping regulations and matters.
- 94.4. [REDACTED] was recommended to the Player by her orthopaedic surgeon when she was looking for a specialist who could advise on medication, supplements, and minerals, ensuring compliance with anti-doping rules. As the Player explained at the Hearing, [REDACTED]'s care also includes an annual review based on the updated WADA Prohibited List.

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<sup>12</sup> ITIA Answer, para 63.



95. Considering the above, the Chair is satisfied that the Player could reasonably assume that, in consulting [REDACTED] on anti-doping matters, she was consulting a qualified expert and could rely on his advice.

96. The Chair notes, however, that the Player could not completely discharge her personal responsibility by consulting [REDACTED] but still bears personal responsibility.

97. The ITIA correctly referred to TADP Article 1.3.1, which also provides (see Article 1.3.1.4 (2<sup>nd</sup> sentence):

*“Such research must, at a minimum, include a reasonable internet search of:*

*(a) the name of the product or the substance;*

*(b) the ingredients/substances listed the product or substance label; and*

*(c) any potentially relevant information revealed through the research of points (a) and (b)”.*

98. The Chair acknowledges that the Player did comply with the minimum standards set out in TADP Article 1.3.1.4 above.

99. The Chair finds, however, that the Player must have been, or should have been, aware that consuming the Gorilla Alpha Supplement carried an increased risk of contamination.

99.1. The Player completed an ITIA anti-doping education programme in March 2022. Notably, the only incorrect answer she provided was regarding mislabelled supplements, and she was notified of this.

99.2. In addition, the rules also refer to the risk of Contaminated Products:

99.2.1. the Code notes in the Comment to Article 10.6.1.2 *“that Athletes are on notice that they take nutritional supplements at their own risk”, and*

99.2.2. TADP Article 4.2.1.5 (a) specifically reminds players that “[m]any Prohibited Substances may appear (either as listed ingredients or otherwise, e.g., as unlisted contaminants) within supplements and/or medications that may be available with or without a physician's prescription. Since Players are strictly liable for any Prohibited Substances present in Samples collected from them



*(see Article 2.1.1), they are responsible for ensuring that Prohibited Substances do not enter or come to be present in their bodies by any means and that Prohibited Methods are not Used”.*

99.3. Furthermore, the presence of contaminants in nutritional supplements is a well-known issue, established by numerous cases and repeatedly confirmed by the CAS. In the case cited by the ITIA, *Knauss v FIFA* (CAS 2005/A/847), the CAS panel held that:

*“In the present case there exists no doubt that the Appellant acted with “fault and negligence” with regard to the anti-doping rule violation (See also CAS 2003/A/484, marg. No. 48). The Appellant ingested a nutritional supplement which, according to the parties’ uncontested and plausible submissions, was the cause of the Appellant’s adverse analytical findings. The Appellant consumed said product despite the express warnings of the national and international sports federations, the Austrian Anti-Doping Committee and WADA, warnings which clearly and repeatedly over the past years have emphasized the risk of contamination and/or mislabelling in nutritional supplements.*

*Furthermore, in the past a great number of cases have become known and have been heavily discussed in the media in which athletes have pleaded that a nutritional supplement was – unbeknownst to them – contaminated”<sup>13</sup>.*

99.4. Additionally, as shown by the proceedings cited by the Parties, there have also been several cases involving contaminated supplements in international tennis within the last years. The Player claims she first learned about contaminated supplements from Simona Halep’s case. While this seems plausible given her incorrect response in the April 2022 education test, it is difficult to accept. Furthermore, it should be noted that Simona Halep tested positive for Roxadustat in August 2022, with the news becoming public after a suspension was imposed on her in October 2022, thus just a few months before the Player’s first intake of Yeti Juice.

99.5. Finally, as submitted by the ITIA, since 2017, the WTA website has featured a webpage on dietary supplements. This page identifies three categories of supplements, with the third being “*Ergogenic aids*”. These are described as

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<sup>13</sup> Paragraphs 7.3.2 and 7.3.3 of the decision *Knauss v FIS* (CAS 2005/A/847).

substances that provide a mental or physical edge during performance. Caution is advised regarding ergogenic aids due to poor regulatory oversight “(i.e., *Not monitored by the FDA*) and limited research on their long-term health effects”.

100. Given this information, the Player should have known that she must exercise extra caution before taking a supplement like the Gorilla Alpha Supplement, particularly because:

- 100.1. She researched the Gorilla Alpha Supplement online and purchased it online. The Chair acknowledges though that Gorilla Alpha Supplement was also available in local stores in the UK and in Bucharest (via the supplier [REDACTED]).
- 100.2. The presentation and advertising of the Yeti Juice and the product range on the Gorilla Alpha website imply that their products were not intended for professional sports. Even though the Player credibly assured during the Hearing that she only looked at the Yeti Juice supplement she was interested in, given the potential for contamination during manufacturing, she would have been well advised to also review the other products from the same manufacturer. In particular, the promised effects of the product range imply that it cannot be ruled out that substances classified as Prohibited Substances in the WADA Prohibited List are also used in the manufacturing process.
- 100.3. While the Chair accepts that the Player considered the colourful and verbal advertising to be purely for marketing purposes, also in view of the fact that other supplements, such as the one the Player currently takes, which is batch test certified, are often presented in a colourful and eye-catching manner, the Chair nevertheless finds that, considering the overall visual and verbal advertisement of the Gorilla Alpha products, the Player should have been particularly aware of the risk of potential contamination and agrees with the ITIA's respective assessment.
- 100.4. The Player knew that [REDACTED] verified the list of ingredients on the label of the Gorilla Alpha Supplement against the WADA Prohibited List and other resources, and further verified that the manufacturer and production were both based in the UK.

100.5. The Player was (or should have been) aware that [REDACTED] did not check if the Yeti Juice had been batch tested or certified for professional sport.

100.6. It must be noted that [REDACTED] stated during his testimony that he had supposedly seen a certificate from UK Anti-Doping on Gorilla Alpha's website certifying that Yeti Juice was safe with regard to contamination of Prohibited Substances. However, he was unable to specify this in more detail when questioned during the Hearing. A review of Gorilla Alpha's website during the Hearing did not reveal any such seal of approval either. The Player also credibly admitted that she could not remember whether [REDACTED] had mentioned such a certificate. The Chair is therefore not convinced that such a certificate actually existed and concludes that the Player could not assume before taking the Yeti Juice that a safety seal of approval certifying its safety and suitability for use in professional sport had been granted, nor was there confirmation that the product had undergone batch testing.

101. The Chair acknowledges that the Player demonstrated due diligence in choosing [REDACTED], a recognised sports medicine doctor with anti-doping experience, for advice specifically related to anti-doping issues. She trusted his expertise and experience and was entitled to do so.

102. It is further undisputed that [REDACTED] confirmed the safety of the Yeti Juice.

103. However, the Player was aware that [REDACTED]'s check of the Gorilla Alpha Supplement was limited. Given the known risks associated with contaminated supplements and the specific nature of the Yeti Juice, which posed a higher risk, greater caution on her part was expected. Even though she consulted [REDACTED], she still had personal responsibility and should have realised that such a cursory check could not eliminate the risk of contamination.

104. Nevertheless, the Player did not take further steps beyond her own internet research, particularly failing to verify whether the Yeti Juice had been batch tested and certified or to explore other certified pre-workout supplements.

105. The ITIA suggests that the Player could also have asked other players whether they took Yeti Juice. However, the Chair believes that, from the Player's perspective, this approach

might not have provided more certainty than consulting the qualified sports doctor she relied on for all anti-doping issues. Additionally, the Chair notes that statements from other players could not have provided certainty due to the need to consider each batch separately for contamination.

106. The Chair does not accept the Player's argument that a negative test from September 2023, after she had begun consuming Yeti Juice, could assure her that the supplement was not contaminated. First, the batch from September 2023 was different from the one purchased in March 2024, which led to the AAF, and each batch must be evaluated independently. Second, when assessing her degree of Fault, the relevant time is before the first Use of the respective batch. The absence of contamination in a previous batch does not retroactively correct a lack of due diligence, nor does it guarantee the safety of future batches.
107. In summary, the Chair finds that the Player took sincere steps to verify the safety of the Yeti Juice, genuinely seeking assurance. Her efforts, particularly consulting with [REDACTED], exceeded the minimum standards set out in TADP Article 1.3.1. However, in this specific context, these steps were ultimately insufficient to ensure the Gorilla Alpha Supplement's safety and to fulfil her due diligence obligations under the TADP. Further actions, such as verifying batch testing and certification or choosing a certified similar product like she uses now, would have been possible, appropriate, and necessary.
108. Finally, the Chair wishes to emphasise that, based on the evidence, the Player did not attempt to mask or hide her Use of the Gorilla Alpha Supplement. Following [REDACTED]'s recommendation, she took the Yeti Juice in good faith belief that it was appropriate and compliant with the TADP and her anti-doping obligations. This was also evident during the proceedings, where the Player consistently acted with honesty, openness, and sincerity. This case was therefore not about a player who cheated but about the degree of Fault attributable to the Player for failing to fulfil her due diligence obligations under the TADP to ensure that the supplement she consumed was not contaminated with a Prohibited Substance.

d) Appropriate period of Ineligibility

109. The Chair rejects the Player's argument that the mere presence of a Specified Substance should lead to a reduction in the period of Ineligibility. According to TADP Article 10.6.1.2, the period of Ineligibility imposed on the player depends on their degree of Fault. This is determined by how much the player deviated from the required duty of caution, not by the substance with which the supplement was contaminated.
110. In determining the appropriate period of Ineligibility, the Chair agrees with the ITIA's assessment that the cases of Sinner and Świątek involve very different key facts and cannot serve as benchmarks in the current considerations. For Sinner, this is due to the inapplicability of TADP Article 10.6.1.2, while in Świątek's case, the contaminated medication was subject to much stricter regulations, requiring a different standard of due diligence.
111. However, the Chair concurs that the cases of Bartůňková, Majchrzak and Halep are comparable and can be used for interpretation, while always considering the specific and decisive facts in each case.
112. The relevant facts of this case have been set out in detail above. Below, the Chair summarises the key facts that, in her view, should be considered in determining the appropriate sanction, using the other cases as benchmarks:
- 112.1. The Player took the pre-workout drink Yeti Juice to maintain her energy level, not to balance or improve mineral or vitamin levels.
  - 112.2. The Yeti Juice presented a higher risk than a collagen or milk thistle supplement.
  - 112.3. The Player ordered the Yeti Juice online, while Bartůňková purchased her supplement from a reputable pharmacy.
  - 112.4. The Player did properly declare the Yeti Juice on her DCF, unlike Halep.
  - 112.5. Before taking the supplement, the Player consulted a specialist sports medicine doctor with anti-doping experience. [REDACTED]'s anti-doping expertise is higher than that of the physiotherapist or the dietitian, who advised Halep and Majchrzak, respectively, and certainly also higher than the general practitioner's expertise who advised Bartůňková.

- 112.6. The Player specifically cooperated with [REDACTED] to ensure compliance in anti-doping matters.
- 112.7. Although ultimately not sufficient, [REDACTED] and the Player did not rely solely on internet research and ingredient verification, they also checked that the manufacturer and place of production were based in Europe.
- 112.8. The decision to take the Yeti Juice was not rushed; it was made after thorough research and repeated consultations with [REDACTED].
- 112.9. The Player is a professional tennis player, but not an elite tennis player at the pinnacle of the sport, like Halep, which is reflected in her resources.
- 112.10. The Yeti Juice was contaminated with one Specified Substance, whereas the supplement taken by Majchrzak contained multiple Prohibited Substances.
113. After considering precedent and the specific facts and circumstances of this case, the Chair concludes that the Player's degree of Fault is significantly higher than Bartůňková's but notably lower than Majchrzak's. Compared to Halep, the Chair finds that the collagen supplement used by Halep posed a lower risk than the pre-workout supplement, Yeti Juice. However, the Player demonstrated a greater degree of due diligence than Halep, given their specific circumstances.
114. In conclusion, the Chair has determined, under the totality of the circumstances, that a period of Ineligibility of ten (10) months is appropriate given the Player's degree of Fault.

## **G. Conclusions**

115. Ms Fetecău has committed Anti-Doping Rule Violations under TADP Articles 2.1 and 2.2.
116. The Anti-Doping Rule Violations were caused by a Contaminated Product.
117. Based on the specific circumstances and facts relating to this matter, the Tribunal concludes that Ms Fetecău bore No Significant Fault or Negligence in relation to the commitment of Anti-Doping Rule Violations within the meaning of TADP Article 10.6.1.2.

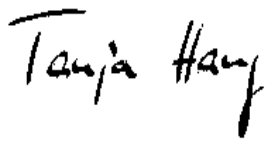
118. Ms **Fetecău** is suspended for a period of Ineligibility of ten (10) months pursuant to TADP Article 10.6.1.2.
119. As no period of Provisional Suspension has been imposed or voluntarily accepted by the Player, no credit shall be given under TADP Article 10.13.2. In accordance with TADP Article 10.13, the period of Ineligibility therefore commences on 25 April 2025.
120. Ms **Fetecău**'s results achieved in the ITF WTT W75 event held in Florianopolis, Brazil from 1 to 7 April 2024 are Disqualified pursuant to TADP Article 9.1, with all resulting Consequences, including forfeiture of all medals, titles, ranking points, and Prize Money.
121. Ms **Fetecău**'s results achieved in the period from 8 April 2024 to 25 April 2025 are not Disqualified on the grounds of fairness pursuant to TADP Article 10.10.

## H. Costs

122. TADP Article 8.5.4 establishes that this Independent Tribunal has the power to make a costs order against any Party, where it is proportionate to do so. Given the outcome of this case, the Tribunal makes no costs order and each Party will bear its own costs.

## I. Right of Appeal

123. This decision may be appealed to the Court of Arbitration for Sport (“CAS”), located at Palais de Beaulieu, Avenue des Bergières 10, CH-1004 Lausanne, Switzerland ([procedures@tas-cas.org](mailto:procedures@tas-cas.org)), in accordance with TADP Article 13.2.1. TADP Article 13.8.1.1 sets the deadline to file an appeal to the CAS, which is 21 days from the date of receipt of this final decision.



Dr Tanja Haug

Chair of the Independent Tribunal

London, UK

25 April 2025