

# Contamination case of swimmers from China

## Fact Sheet / Frequently Asked Questions

### Facts

- Between 1 and 3 January 2021, the China Anti-Doping Agency (CHINADA) collected 60 urine samples of Chinese swimmers at a national swimming meet. There were 201 swimmers competing. This event was not a qualifying event for the Olympic Games.
- After certain delays due to the COVID-19 pandemic, the samples were reported into WADA's Anti-Doping Administration and Management System (ADAMS) by the WADA-accredited laboratory in Beijing on or around 15 March 2021. There were 28 Adverse Analytical Findings (AAFs) for the prohibited substance, trimetazidine (TMZ), involving 23 different swimmers, which means that a small number of them tested positive more than once.
- In early April 2021, CHINADA informed WADA that it had initiated an investigation, involving the public health authorities, into the source of TMZ found in the samples. There were strong indicators that these cases could be a case of group contamination considering the following factors:
  - There were 23 swimmers, and 28 positive samples. All tested positive at the same time for TMZ at consistently very low levels (pg or low ng/mL range).
  - The swimmers were from different regions of China, with different coaches and from different swimming clubs.
  - The swimmers were in the same place at the same time when the positive samples arose.
  - A number of these swimmers were tested on multiple occasions during the swim meet. Some of them were tested on two or even three occasions on consecutive days. For several swimmers, the results varied from negative to positive within a few hours, which is not compatible with a doping scenario of deliberate ingestion nor with micro-dosing.
  - Some of the competing swimmers stayed in at least one other hotel. Three of those athletes were tested and none tested positive for TMZ.
- Between January and June 2021 there were no international swimming competitions scheduled. Therefore, these athletes did not participate in any such competitions during that time period.
- On 15 June 2021, WADA was notified of the decision by CHINADA to accept that 23 swimmers had tested positive in early 2021 for TMZ, after inadvertently being exposed to the substance through food/environment contamination as a result of TMZ detected in the kitchen (including spice containers, the extraction fan above the hob and the drains); and that, they would not move forward with Anti-Doping Rule Violation (ADRV) cases. This decision was also provided to World Aquatics (formerly FINA) at the same time as WADA, as required under the rules.
- In order to determine whether WADA would exercise its right to appeal this decision, WADA carefully reviewed CHINADA's decision and, on 21 June, WADA requested the full case file. World Aquatics also requested and received the exact same case file as WADA. They undertook their own review.

- During its 21-day appeal deadline, WADA sent the case file to external counsel for their review and advice and to WADA's Science Department to assess the case from a scientific perspective. Following thorough scientific investigation, including feedback from the manufacturer of TMZ, the feedback from WADA's Science Department was ultimately that the contamination scenario was plausible and that there was no concrete scientific element to challenge it.
  - [For comprehensive information regarding the scientific aspects of this case, please listen to [WADA's Science Director, Professor Olivier Rabin](#), addressing WADA's Media Conference of 22 April].
- In early July, WADA received legal advice, drafted by a barrister from the UK, that an appeal to the Court of Arbitration for Sport (CAS) was not warranted.
  - [For comprehensive information regarding the legal aspects of this case, please listen to [WADA's General Counsel, Ross Wenzel](#), addressing WADA's Media Conference of 22 April].
- Based on all available scientific evidence and intelligence, which was gathered, assessed and tested by experts in the pharmacology of TMZ; and, by anti-doping experts, WADA had no basis under the World Anti-Doping Code to challenge CHINADA's findings of environmental/food contamination – a position that was also reached by World Aquatics, which equally decided not to appeal the CHINADA decision.
- In 2022, the International Testing Agency (ITA) contacted WADA in connection with a tip-off it had received suggesting that the Chinese swimmers' sample results had been manipulated and/or not properly reported. WADA followed-up on these allegations and liaised with the ITA. Based on these investigations, there was no evidence whatsoever that the sample results had been manipulated or wrongly reported. Rather, the evidence clearly showed that the results had been properly reported by CHINADA. During its discussions with the ITA, WADA's investigators liaised with investigators from the ITA, and invited WADA's Science Department to explain its conclusions on the case (based on its review the previous year) to the ITA.
- In April 2023, USADA's investigation department contacted WADA Intelligence & Investigations (I&I) based on a tip-off that it had apparently received alleging that these cases had been hidden and that the informant/source claimed to possess evidence. WADA of course knew that the cases had not been hidden as it had reviewed them with World Aquatics in 2021 and discussed them with the ITA in 2022. WADA therefore advised USADA that it was aware of these cases, which had been reviewed by both its Legal and Science Departments. It made clear that if USADA had any new evidence, it would be willing to review the same and reassess its position, as well as interview USADA's source. USADA did not respond, and no new evidence was provided.
  - [For comprehensive information regarding the Intelligence & Investigations aspects of this case, please listen to [WADA's Director of I&I, Gunter Younger](#), addressing WADA's Media Conference of 22 April].
- WADA stands firmly by the results of its scientific investigation and legal decision concerning the case. We are equally confident that WADA's independent I&I Department followed up on all allegations received, which were not corroborated by any evidence, and thus did not meet WADA I&I's threshold to open an investigation.
- To be clear, if any new evidence had come to light at any point, WADA would have reviewed this information. This remains the case today.
- We acknowledge that this is a very complex topic, which is subject to misinterpretation and, therefore, we also provide responses to **Frequently Asked Questions** below.

# Contamination case of swimmers from China

## Frequently Asked Questions

### 1. Why is WADA accepting a trimetazidine (TMZ) contamination explanation in this situation but not with others?

Contamination can occur in various forms (e.g. contaminated nutritional supplements, contaminated meat, contaminated water, contamination of medicines). In each case of alleged contamination, the specific contamination scenario must be assessed and tested in order to determine whether it is plausible, compatible with the Adverse Analytical Finding(s) [AAF(s)] and likely to be accepted on the balance of probabilities.

This was thoroughly done in this case and not only was there no evidence pointing towards a doping scenario, but all the existing evidence was supporting the theory of contamination. Indeed, even leaving aside the fact that TMZ was discovered by the Chinese authorities in the kitchen of the hotel, the analytical results – in particular, the fact that all the positive results were within a tight range at low or very low concentrations, as well as the fact that, where athletes were tested more than once, their results fluctuated between negatives and (low-level) positives a few hours apart – were not consistent with an excretion profile of a deliberate ingestion scenario of TMZ, but rather with some form of contamination.

Conversely and by way of example, in the case of the Russian ice skater, Kamila Valieva, her initial explanation of contamination through contact with her grandfather was found (when reviewed by WADA's Science Department) not to be consistent with the pharmacokinetics of TMZ and was therefore challenged by WADA before the CAS Ad Hoc Tribunal at the 2022 Winter Olympic Games in Beijing. WADA also challenged the athlete's subsequent explanation – that she was contaminated indirectly through a strawberry dessert that her grandfather had prepared for her – during the CAS appeal proceedings. The CAS ultimately accepted WADA's position that there were serious evidentiary shortcomings in the athlete's explanation.

### 2. Why did WADA not impose a provisional suspension on the Chinese swimmers in this case?

Under the [World Anti-Doping Code](#) (Code), WADA does not have the authority to impose provisional suspensions itself. This authority lies with the Results Management Authority, which in this case was the China Anti-Doping Agency (CHINADA).

### 3. Why did WADA not appeal against CHINADA's decision not to impose a provisional suspension?

From the outset, the analytical results were indicating a possible contamination scenario. Having decided to find out what could have happened in these unusual circumstances, CHINADA initiated an investigation to determine whether contamination had occurred and to discover the source of the trimetazidine (TMZ) in the swimmers' samples. During the time of its investigation CHINADA did not issue a formal decision to impose or not to impose a provisional suspension. Therefore, there was no decision that WADA or World Aquatics could have appealed against to the CAS. A review of the circumstances by CHINADA, as permitted by the Code, before taking a decision on provisional suspension was not deemed unreasonable in the circumstances.

**4. Do provisional suspensions have to be imposed immediately by the relevant Anti-Doping Organization (ADO) as soon as there is a positive finding for a prohibited substance?**

For some substances (so-called non-specified substances such as TMZ), there is a mandatory provisional suspension.

For other substances (so-called specified substances), the provisional suspension is optional.

Even for mandatory provisional suspensions, there are exceptions, one of which is specific to cases of likely contamination. In terms of timing, the Code allows for athletes to provide explanations for the positive finding before a provisional suspension is imposed.

For mandatory provisional suspensions, the athletes might seek to argue based on their explanation of the positive finding that a provisional suspension should not be imposed because they fall within one of the exceptions (e.g. contamination).

In this case, from the get-go, there were strong indications that this could be a contamination case and that the source could be the same for all athletes (see Facts above). In theory, each of the athletes could have been asked to provide an explanation as to how the substance got in their body. However, when confronted by the unusual situation where 23 athletes tested positive for the same substance, at the same time, and at similar very low levels, the Chinese authorities decided to investigate the matter to try to determine what had happened. Given that China was in the middle of COVID-19 lockdown and there were strict travel restrictions in place, it would have been impossible for each athlete to travel back to the hotel or venue to try to determine how they ingested the substance. The approach seemed fair and reasonable to the athletes under the circumstances.

**5. Would the swimmers have had any performance benefit as a result of the TMZ?**

Based on the concentrations of TMZ detected in the athletes' samples, there would have been no performance benefit during the national competition on 1-3 January 2021, let alone at subsequent events such as the Olympic Games in Tokyo some seven months later. The national event from 1-3 January 2021 was not a qualification event for the Olympic Games and there were no international events held before the Olympic Games in Tokyo.

**6. Does WADA agree with the decision by CHINADA not to bring forward Anti-Doping Rule Violations (ADRVs) against the 23 swimmers?**

After a thorough review of the case file and consultation with scientific and legal experts, WADA decided based on the advice of specialized external lawyers not to challenge the contamination scenario put forward by the Chinese swimmers.

In addition to the discovery of TMZ in the kitchen of the hotel at which the athletes were staying, there were contextual and scientific factors that pointed strongly towards contamination rather than deliberate ingestion or cheating, including:

- There were 23 swimmers and 28 positive samples.
- The swimmers were from different regions of China, with different coaches and from different swimming clubs.
- The swimmers were in the same place at the same time when the positive samples arose.

- All of the sample results were at consistently low levels.
- A number of these athletes were tested on multiple occasions during the swim meet. Some of them were tested on three occasions on consecutive days. For several athletes, the results varied from negative to positive a few hours apart, which is not compatible with deliberate ingestion nor micro-dosing.
- Also, one team of athletes stayed in a different hotel. Three of those athletes were tested and none tested positive for TMZ.

For largely technical reasons, WADA did not agree entirely with CHINADA's approach. However, having determined that it was in no position to challenge the contamination scenario, WADA decided not to initiate 23 technical appeals to CAS to effectively replace findings of "no ADRV" with findings of "ADRV with no fault or negligence" on the part of the athletes. Such appeals, even if successful, would have changed absolutely nothing in terms of athlete participation at the Olympics or any other event.

#### **7. If WADA did not agree with the decision by CHINADA not to bring forward the cases as anti-doping rule violations, why did it not appeal to CAS?**

WADA followed the advice of specialized external lawyers, in light of the complete case review, not to appeal these cases. If WADA had appealed, it would have been a technical appeal to convert 'a finding of no ADRV' into 'a finding of an ADRV with no fault' on the part of the athletes.

If WADA had appealed, it would not have been able to obtain a judgement before the Tokyo Olympic and Paralympic Games in July/August 2021. In all likelihood, the judgement would not have been issued before 2022.

Moreover, given that WADA would have accepted that the athletes had no fault or negligence, it would not have requested that any period of ineligibility be imposed or that any results (after the national competition in January 2021) be disqualified. As such, any athlete eligible and qualified to compete in Tokyo, would have still been permitted to take part in the Tokyo Games. For reasons of pragmatism and fairness towards the athletes (who would have had to face this legal challenge on the eve of the Olympic and Paralympic Games), WADA decided not to lodge what would have been a largely technical appeal.

It should be noted that WADA has never in its history appealed against a finding of no ADRV to convert it into a finding of a violation with no fault. WADA is not aware that any other Anti-Doping Organizations (ADOs) have done this either. Further, when other ADOs have determined in similar circumstances (including cases where multiple athletes from the same team have been subject to food contamination) to close cases with no ADRV (when they should have been 'ADRV with no fault' cases), WADA has not appealed. These prior cases of established contamination have involved different sports and different countries over many years.

#### **8. Why did WADA not make any publication about these cases?**

As explained above, CHINADA decided not to charge these athletes and, although WADA did not entirely agree with that decision, WADA did not appeal for the reasons explained.

As a result, no ADRV was established. As the ADRVs were not asserted, there was no basis in the Code to publish any details about the cases.

It should be noted that, in recent years, a number of ADOs have argued that publication of cases in which athletes are found to have no fault or negligence (as WADA accepted here) is unfair to the athletes.

As an example, a recent case that was resolved as no fault by the United States Anti-Doping Agency (USADA), in which the athlete was found to have innocently come into contact with a prohibited substance by administering medication to their dog, USADA CEO Travis Tygart has been publicly quoted as saying the following: *“If there is no question that an athlete comes into contact with a prohibited substance from a completely innocent source and there is no effect on performance, USADA continues to advocate that there should not be a violation or a public announcement.”*

In fact, within the context of WADA’s current [2027 Code and International Standard Update Process](#), USADA is one of the ADOs that has requested that WADA change the rules to provide for no publication in cases of no fault or negligence. This request is currently being considered by the Code revision team.

**9. What is WADA going to do about the serious data breach that led to athletes’ personal information being leaked?**

As requested by WADA’s Athlete Council Chair, Ryan Pini, WADA will be conducting a full inquiry into what led to these athletes’ information being leaked to the media and will take all necessary steps to sanction those responsible for violating their privacy and exposing them to unfair criticism given the facts, which are that they are victims of contamination.

**10. Why does WADA have such confidence in its handling of this case given the reaction that has played out in the media?**

WADA conducted a thorough review of the case from a scientific perspective and ultimately followed the advice of external counsel not to appeal to the CAS. Even leaving aside the Chinese investigation and its discovery of TMZ in the hotel kitchen, WADA’s scientific feedback based on the analytical results was that there was no concrete scientific element to challenge a case of contamination.

WADA understands that some stakeholders may disagree with the outcome of this case. However, to leap to conspiracy theories of cover-ups and favoritism towards China is outrageous, without basis and defamatory. Rather than cover up these cases, WADA reviewed them thoroughly and discussed them with multiple international organizations at different points in time from 2021 to 2023.

Finally, we would invite stakeholders to consider the facts, the evidence of this case, and not to lose sight of the perspective of the athletes who were victims of contamination.