

ALEX WATSON'S POSITIVE DRUG TEST

Background

1. Mr Alex Watson, a pentathlete, was selected to participate in the 1988 Seoul Olympic Games. On 20 November 1987 Mr Watson signed an agreement with the Australian Olympic Federation (AOF) acknowledging the implications of breaking any of the rules relating to drug use contained in the International Olympic Committee (IOC) *List of Doping Classes and Methods*. The nominated AOF penalty was ineligibility for life for selection in any Australian Olympic Team.

2. Australian athletes selected to compete at Seoul were briefed about drug misuse in August 1988 by Dr B. Sando, the Australian Olympic Team doctor. Dr Sando advised that drug testing would occur at Seoul. He also stated that Caffeine ingested through 'normal' social intake of coffee, tea, cola drinks or chocolate would not result in a higher than permissible level of Caffeine. Mr Watson was present at this briefing. (*Evidence*, p. 89)

The Positive Test

3. On 19 September 1988, after a day-long series of fencing bouts at Seoul, Mr Watson was among competitors selected for a urinary drug test by the Medical Commission of the IOC. Mr Watson provided urine which, according to normal practice, was divided into A and B samples. On 21 September 1988 Mr Watson was told that a level of Caffeine above the allowable limit had been detected in both samples. Above a concentration of 12 micrograms per millilitre (mcgs/ml), Caffeine is classified as a proscribed drug by the IOC; Mr Watson's samples revealed a concentration of more than 14 mcgs/ml.

4. According to the IOC *List of Doping Classes and Methods*, '...the presence of the [proscribed] drug in the urine constitutes an offence, irrespective of the route of administration'. Consequently, in line with Rule 29 of the Olympic Charter, the IOC banned Mr Watson from further participation in the Seoul Olympics. He thus became the first member of an Australian Olympic Team ever to be disqualified from an Olympic Games for a drug-related offence.

5. Because the Australian Olympic Federation (AOF) (which became the Australian Olympic Committee (AOC) from May 1990) is a constituent chapter of the IOC it was bound to comply with the IOC determination. To be consistent with the IOC, all the AOF had to do was to implement the ban on Mr Watson for the remainder of the Seoul Olympics. The AOF went much further, however, and applied its own ban. Mr Watson was banned for life from any future Australian Olympic Team consistent with Section 2 of the AOF *Doping Policy*, adopted on 6 November 1987. The Union Internationale de Pentathlon Moderne et Biathlon (UIPMB) also applied a ban, disqualifying Mr Watson from athletic competition for two years.

6. The AOF revised its *Doping Policy* on 3 February 1989, introducing the possibility of appeals and the option of a lesser penalty than a life ban. On 11 May 1989, under the new AOF *Doping Policy* provisions, Mr Watson appealed successfully against the AOF life ban. The AOF reduced the life ban to two years, determining that for so long as Mr Watson was subject to any ban by the UIPMB, he would be banned by the AOF, during which time he would receive no funding nor be eligible to hold any office with the AOF. Effectively, Mr Watson remained banned from international competition in the modern pentathlon for two years from September 1988.

7. On 18 September 1990, the Senate Standing Committee resolved to inquire into the circumstances surrounding the positive drug test on Mr Watson at Seoul. Public hearings (see Appendix 2) were held at which evidence was taken from representatives of the AOC (10 May and 4 November 1991) and from Mr Watson (10

May 1991). In the evidence presented to the Committee there was no dispute that Mr Watson had exceeded the IOC Caffeine level. As Mr Watson said in his own evidence, he has always accepted that he registered a proscribed Caffeine level.

8. For Mr Watson, the following were the points at issue:

- (i) In the course of one day's competition he consumed coffee - some of which was provided by the IOC - which caused him unintentionally to exceed the limit. (*Evidence*, pp. 13-14)(Mr Watson has stated that during competition on 19 September 1988 he drank some 12-14 cups of brewed coffee and two cans of Coca-Cola, and an additional two cups of brewed coffee for breakfast on that day. Mr Watson made clear that he did not have these (Caffeine-containing) drinks to enhance his athletic performance, but to maintain his fluid level, and he denied that he had ingested Caffeine by other methods.)(*Mr A. Watson, Statement to the AOF Executive Board, Schedule 4.2 to AOC Submission No 48B*, pp. 8-11; *Evidence*, p. 13)
- (ii) That for the IOC, exceeding the proscribed level presumed illegal behaviour. (*Evidence*, p.14)
- (iii) That the initial AOF penalty was most inappropriate, his treatment at Seoul was harsh and peremptory and there were no appeal provisions. (*Evidence*, pp. 25-26)
- (iv) That his reputation and good name were seriously damaged. (*Evidence*, p. 34)

9. On 5 December 1991 the Committee heard evidence from Professor D. Birkett of Flinders University that, among some individuals, seven to eight cups of coffee in an hour could produce urinary Caffeine levels in the vicinity of 12 mcg/ml. Professor Birkett also said that up to three cups of strong brewed coffee each day could produce a similar level (*Evidence*, pp. 228-230) and that there is a large variability in the ability of individuals to metabolise Caffeine in the liver:

If you are the individual who has got slow metabolism in the liver and you have taken in four or five cups of coffee in a day, you may be in danger of transgressing and being banned for life, as occurred on this occasion. (*Evidence*, p. 211)

The Committee notes that there is considerable uncertainty about the effects of Caffeine on different individuals, the blood and urine levels reached by drinking coffee, its performance-enhancing effects and the reliability of urine analysis to determine levels of ingestion.

10. While the penalty imposed upon Mr Watson by the AOF in 1988 was in accordance with AOF guidelines applying at that time, the Committee notes that the AOF under its revised (1989) policy allowing an appeal accepted that there was no evidence that Mr Watson intended to breach the Caffeine level. The AOF then changed its ruling of a life ban to a two year ban in line with the UIPMB. The Committee notes the AOF Executive Board evidence that Mr Watson's account of events has been consistent and that there is nothing to suggest that his ingestion of Caffeine was by any other means than drinking beverages. The Committee concludes that, particularly for a first offence, a life ban was an excessive penalty.

Recommendations

11. The Committee's inquiry has revealed that scientific knowledge about Caffeine blood and urine levels reached by drinking coffee, the effects of Caffeine ingestion, particularly the effects on athletic performance, the individual variation in effects and the reliability of urine analysis to determine levels of ingestion, is inadequate. It therefore recommends:

- A. That until the performance enhancing effects and the likelihood of athletes exceeding the International Olympic Committee (IOC) Caffeine limit are clarified, the Australian Olympic Committee (AOC)

recommend to the IOC the removal of Caffeine from the list of proscribed drugs.

- B. That the Australian Sports Drug Agency commission research into:
- (i) the ingestion of Caffeine comparing alternative routes; for example: by drinking, by suppository, by injection;
 - (ii) the likelihood of athletes exceeding the IOC Caffeine limit;
 - (iii) reliable measurements of Caffeine levels;
 - (iv) the effects on performance;
- and that it report its findings to the Minister for the Arts, Sport, the Environment and Territories.

12. The Committee heard evidence about the ready availability of coffee by the Games organisers on the day Mr Watson was drug-tested. The Committee recommends:

- . That the AOC recommend to the IOC that while Caffeine remains on the IOC list of proscribed drugs, Caffeine beverages not be available at Olympic Games competition venues and athletes be advised of the possibility of exceeding the proscribed limit by simply drinking coffee.

13. In view of the events leading to Mr Watson's disqualification at Seoul, the Committee recommends:

- . That the AOC provide comprehensive drug briefings for Australian Olympic athletes both at the time of selection and immediately prior to departure for future Olympic Games.

14. The Committee has noted that an advocate was not available to assist Mr Watson before the IOC at Seoul, but that an Australian advocate will be present at Barcelona in 1992. To ensure that athletes receive the fairest representation of

any case arising from drug testing procedures at Olympic Games, the Committee recommends:

. That the AOC:

- (i) formulate comprehensive procedures for when Australian athletes are found to have positive drug tests or infringe IOC drug rules at Olympic Games;
- (ii) provide all Australian Olympic athletes with a copy of the procedures; and
- (iii) ensure the availability of an appropriately qualified advocate for any Australian athlete infringing IOC drug rules.

. That Australian athletes found to have breached drug guidelines be penalised in accordance with internationally accepted standards: up to three months ban for inadvertent use, two years for a first offence, and a life ban for any subsequent offence.

15. The Committee considers that the significance of positive drug tests on prominent Australian athletes justifies discussion in relevant annual reports. The Committee therefore recommends:

. That the Australian Sports Commission comment in its annual reports on positive drug tests by prominent Australian athletes and the procedures established to deal with them.

Rosemary Crowley

Chair