CAS 2025/A/11425 Irina Fetecău v. International Tennis Integrity Agency (ITIA) &
CAS 2025/A/11544 International Tennis Integrity Agency (ITIA) v. Irina Fetecău

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition

President:	Ms Annett Rombach, Attorney-at-Law in Frankfurt am Main, Germany
Arbitrators:	Mr Jeffrey G. Benz, Attorney-at-Law and Barrister in London, United Kingdom
	Mr Romano Subiotto KC, Solicitor-Advocate in London, United Kingdom

in the arbitration between

Irina Fetecău, Timișoara, Romania

Represented by Mr Paul Ciucur, Attorney-at-Law at Maier, Ciucur and Partners in Timisoara, Romania

Appellant and Cross-Respondent

and

International Tennis Integrity Agency (ITIA), London, United Kingdom

Represented by Ms Louise Reilly SC and Mr Mario Flores Chemor, Attorneys-at-Law at Kellerhals Carrard in Lausanne, Switzerland, and Ms Julia Lowis, ITIA Senior Legal Counsel in London, United Kingdom

Respondent and Cross-Appellant

I. THE PARTIES

1. Ms Irina Fetecău (the "Player", the "Appellant" or the "Cross-Respondent") is a professional tennis player of Romanian nationality.

2. The International Tennis Integrity Agency (the "ITIA", the "Respondent" or the "Cross-Appellant") is an independent body established in 2021 by the international tennis governing bodies, including the International Tennis Federation and the tours and Grand Slams, to promote, encourage, enhance and safeguard the integrity of professional tennis worldwide. The ITIA is responsible, *inter alia*, for enforcing the Tennis Anti-Doping Programme (the "TADP").[1]

3. The Appellant and the Respondent are collectively referred to as the "Parties".

II. FACTUAL BACKGROUND

A. Introduction

4. The present dispute arises from an appeal against "*Decision SR/014/2025*" rendered by the TADP Independent Tribunal on 25 April 2025 (the "Appealed Decision"). The Appealed Decision found that the Player committed anti-doping rule violations ("ADRVs") under Articles 2.1 (presence of a prohibited substance) and 2.2 (use of a prohibited substance) of the TADP and imposed a period of Ineligibility of ten (10) months pursuant to Article 10.6.1.2 (Contaminated Products) of the TADP. It is undisputed that the Player returned a positive sample following an in-competition doping control. The scope of the present dispute before the CAS is limited to determining the appropriate sanction: the Player seeks a reduction of the imposed period of Ineligibility, whereas the ITIA requests the period of Ineligibility to be increased.

5. Below is a summary of the main relevant facts and allegations based on the Parties' written submissions, oral pleadings and evidence adduced during these proceedings. Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. Although the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in this award (the "Award") only to the submissions and evidence it considers necessary to explain its reasoning.

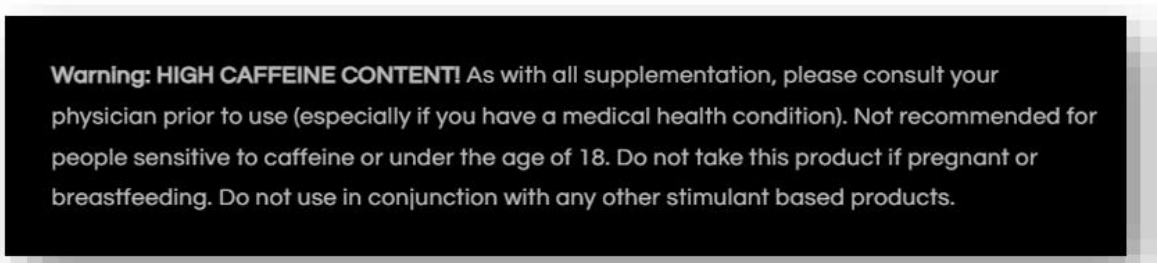
B. Background Facts

6. On 2 April 2024, the Player was subjected to an in-competition doping control (the "Doping Control") at the International Tennis Federation's (the "ITF") W75 event in Florianopolis, Brazil. In her Doping Control Form (the "DCF"), the Player declared eleven medications, minerals and supplements ingested during the preceding seven days, including a product identified as "*Yeti Juice preworkout drink*" (the "Yeti Juice" or the

[1] Capitalized terms not otherwise defined in this Award shall have the meaning ascribed to them in Appendix One (Definitions) of the TADP and, where applicable, in the 2021 World Anti-Doping Code.

"Supplement"). The Player indicated on the DCF that she had consumed two scoops of the Yeti Juice on the day of the Doping Control.

7. The Yeti Juice was labelled as follows:



8. The analysis of the Player's A Sample detected the presence of 4-Methylpentan-2-amine (also known as 1,3-Dimethylbutylamine) (the "Prohibited Substance"), classified under category S6.B (Specified Stimulants) of the 2024 WADA Prohibited List. This substance is designated as a Specified Substance and is prohibited In-Competition only. The concentration was estimated at 52 µg/mL (*i.e.*, 52,000 ng/mL), thereby exceeding the

Minimum Reporting Level of 50 ng/mL.

9. On 24 May 2024, the ITIA issued a notice to the Player (the "Notice**"**), informing her that she may have committed ADRVs under Articles 2.1 and/or 2.2 of the TADP on the basis of the presence of the Prohibited Substance in her A Sample.

10. On 3 June 2024, the Player filed her initial response to the Notice. While admitting the Charge, she contested the default consequences outlined in the Notice and requested the B Sample be analysed.

11. On 6 June 2024, the analysis of the B Sample confirmed the presence of the Prohibited Substance. On 17 June 2024, the ITIA informed the Player of the results of the B Sample analysis.

12. By letter of 26 June 2024, the Player requested the ITIA's agreement to have the Yeti Juice analysed by a WADA-accredited laboratory, preferably the laboratory in Seibersdorf, Austria (the "Seibersdorf Laboratory"). On 1 July 2024, the ITIA confirmed that it had no objection to the Player having her supplements tested at the Seibersdorf Laboratory, and that it would recognise the results.

13. Through a report dated 6 August 2024, the Seibersdorf Laboratory confirmed the presence of the Prohibited Substance in the Yeti Juice (batch number B09246, with an expiry date of 13 September 2025). The concentration of the Prohibited Substance was estimated at approximately 1.4 mg/g. The Seibersdorf Laboratory highlighted that the bottle containing the supplement had already been opened.

14. On 7 August 2024, the ITIA provided the Player with the analytical certificate issued by the Seibersdorf Laboratory and requested her to provide an unopened container of Yeti Juice from the same batch and with the same flavour. It is undisputed that the Player and her support team undertook efforts to obtain an identical Yeti Juice product with the same batch number in both England and Romania, but that they remained unsuccessful in locating another container from the relevant batch.

15. On 1 October 2024, with the agreement of the ITIA, the Player instructed Dr Hans Geyer, Deputy Head of the WADA-accredited laboratory in Cologne (Germany), to provide an expert report on whether the quantity of the Prohibited Substance found in the Player's Sample could be attributed to her consumption of the Yeti Juice prior to the Doping Control. 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.

16. On 15 October 2024, Dr Geyer informed the Parties as follows:

> *"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."*

C. The Proceedings before the TADP Independent Tribunal

17. On 5 November 2024, the ITIA formally charged the Player with ADRVs under Articles 2.1 and 2.2 of the TADP. Because the Adverse Analytical Finding in the Player's Sample concerned a Specified Substance, no mandatory provisional suspension was imposed on her (Article 7.12.1 of the TADP).

18. On 6 December 2024, the Player filed a written response in which she admitted the Charge but contested the Consequences. She requested a significant reduction of the period of Ineligibility in accordance with Article 10.6 of the TADP on the basis that she bore No Significant Fault or Negligence, and relying on the recent cases of *Ms Simona Halep*, *Mr Jannik Sinner* and *Ms Iga Świątek*.

19. On 13 January 2025, the matter was referred to the TADP Independent Panel.

20. On 3 February 2025, a preliminary meeting was held via videoconference, with the Parties, their legal representatives and the appointed chair of the TADP Independent Tribunal.

21. On 24 February 2025, the Player submitted her Brief.

22. On 24 March 2025, the ITIA submitted its Answer Brief.

23. On 3 April 2025, after the Parties had exchanged written submissions, a hearing was held by video conference.

24. On 25 April 2025, the TADP Independent Tribunal issued the Appealed Decision. The operative part of the Appealed Decision reads as follows:

> *"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."

25. The Appealed Decision's reasoning on the imposed period of Ineligibility reads as follows:

"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.

[…]

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.

[…]

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 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 […].

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.

[…]

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 [name redacted in the Appealed Decision]*, 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 [name redacted in the Appealed Decision]*'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.*

[…]

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."

III. THE PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

26. On 15 May 2025, the Appellant filed her Statement of Appeal with the CAS against the Appealed Decision (the "Appeal"), pursuant to Articles R47 *et seq.* of the Code of Sports-related Arbitration (2023 edition) (the "CAS Code"). The CAS Court Office registered the Appeal under case reference no. CAS 2025/A/11425. In her Statement of Appeal, the Appellant requested that the proceedings be expedited and that the matter be referred to a sole arbitrator and proposed Mr Jeffrey Benz, Attorney-at-Law in London, United Kingdom, as such. The Appellant also requested, as a provisional measure, a stay of the execution of the Appealed Decision (the "Request for Provisional Measures").

27. On 19 May 2025, the CAS Court Office informed the Parties of the Appeal, requested the Appellant to file her Appeal Brief in accordance with Article R51 of the CAS Code, and noted the Appellant's choice to proceed with her Appeal in English. The CAS Court Office invited the Respondent to indicate, within three (3) days, whether it agreed with the Appellant's request for an expedited procedure, the appointment of a sole arbitrator, and the nominee proposed by the Appellant as sole arbitrator. Finally, the CAS Court Office invited the Respondent to comment on the Request for Provisional Measures.

28. On 21 May 2025, the Appellant informed the CAS Court Office that, should the Respondent not agree with the proposed sole arbitrator, she requested the case to be submitted to a panel of three arbitrators. The Appellant further requested a 7-day extension of the time limit for the Appeal Brief, which was subsequently granted by the CAS Court Office.

29. On 27 May 2025, the Respondent informed the CAS Court Office that it did not agree with the Appellant's request for an expedited procedure and the appointment of Mr Benz as sole arbitrator. The Respondent did, however, agree that the matter be referred to a Panel of three arbitrators and that the language of the proceedings be English. The Respondent requested a 7-day extension to comment on the Request for Provisional Measures.

30. On 28 May 2025, the CAS Court Office informed the Parties that no expedited procedure would be implemented in view of the Respondent's respective disagreement. In light of the Respondent's objection to the appointment of a sole arbitrator, the CAS Court Office invited the Appellant to nominate her arbitrator. Finally, the CAS Court Office granted a 7-day extension to the Respondent to file its comments on the Request for Provisional Measures.

31. On 30 May 2025, within the extended time limit, the Appellant filed her Appeal Brief.

32. On 2 June 2025, the Appellant confirmed her nomination of Mr Jeffrey Benz, Attorney-at-Law in London, United Kingdom, as arbitrator.

33. On the same day, the CAS Court Office acknowledged receipt of the Appeal Brief and invited the Respondent to submit its Answer within 20 days, pursuant to Article R55 of the CAS Code.

34. On 5 June 2025, the Respondent nominated Mr Romano Subiotto KC, Solicitor-Advocate in London, United Kingdom, as arbitrator.

35. On 16 June 2025, the CAS Court Office acknowledged receipt of the Respondent's comments to the Request for Provisional Measures and noted that they had been submitted late. The CAS Court Office further advised the Parties that the President of the CAS Appeals Arbitration Division, or her Deputy, would render an Order on Provisional Measures in due course.

36. On 17 June 2025, pursuant to Article R54 of the CAS Code, and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the Panel appointed to decide the case was constituted as follows:

President:	Ms Annett Rombach, Attorney-at-Law in Frankfurt am Main, Germany
Arbitrators:	Mr Jeffrey G. Benz, Attorney-at-Law and Barrister in London, United Kingdom
	Mr Romano Subiotto KC, Solicitor-Advocate in London, United Kingdom

37. On 18 June 2025, the Respondent submitted to the CAS Court Office comments on the alleged belatedness of its submission on the Request for Provisional Measures.

38. On 23 June 2025, the Respondent filed its Answer and a separate Statement of Appeal against the Appealed Decision (the "Cross-Appeal"), to serve simultaneously as the Appeal Brief. The Respondent nominated Mr Romano Subiotto KC, Solicitor-Advocate in London, United Kingdom as arbitrator for the Cross-Appeal proceedings.

39. On 24 June 2025, the CAS Court Office acknowledged receipt of the Respondent's Answer and invited the Parties to indicate whether they preferred a hearing and/or a case management conference (the "CMC") to be held in the matter. Both Parties requested that a CMC and a hearing be held.

40. On 25 June 2025, the CAS Court Office acknowledged receipt of the Respondent's Cross-Appeal (registered under case reference no. CAS 2025/A/11544). The CAS Court Office invited the Parties to indicate whether they agreed to the consolidation of the Appeal and the Cross-Appeal. The CAS Court Office also invited the Appellant to submit her Answer to the Cross-Appeal within 20 days, pursuant to Article R55 of the CAS Code, and to nominate an arbitrator. Upon the Appellant's request, this time limit was later extended by three days.

41. The Parties confirmed their agreement to the consolidation of the Appeal and the Cross-Appeal on 25 June 2025 and 3 July 2025, respectively.

42. On 27 June 2025, the Panel issued the Operative Part of the Order on the Request for Provisional Measures (the "Provisional Measures Order"), reading as follows:

> *"1. The request for a stay of execution filed by Ms. Irina Fetecău on 15 May 2025 in the matter CAS 2025/A/11425 Irinia Fetecău v. International Tennis Integrity Agency is dismissed.*
>
> *2. The costs of the present Order shall be determined in the final award or any other final disposition of this arbitration."*

43. The grounds of the Provisional Measures Order are set out below at Section IX.

44. On 8 July 2025, pursuant to Article R54 of the CAS Code, and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office informed the Parties that the Panel appointed to decide the Cross-Appeal was constituted as follows:

President: Ms Annett Rombach, Attorney-at-Law in Frankfurt am Main, Germany

Arbitrators: Mr Jeffrey G. Benz, Attorney-at-Law and Barrister in London, United Kingdom

Mr Romano Subiotto KC, Solicitor-Advocate in London, United Kingdom

45. On 14 July 2025, the CAS Court Office informed the Parties that a CMC would be held on 5 August 2025. Upon her respective request, the Player was granted permission by the Panel to participate in the CMC.

46. On 17 July 2025, within the extended time limit, the Appellant filed her Answer to the Cross-Appeal.

47. On 5 August 2025, a CMC took place via videoconference. By letter of the same day, the CAS Court Office informed the Parties that a hearing by videoconference was scheduled to take place on 15 September 2025.

48. On 18 August 2025, the Appellant submitted to the CAS Court Office a draft hearing schedule jointly agreed between the Parties.

49. On 25 August 2025, the CAS Court Office transmitted an order of procedure (the "Order of Procedure") to the Parties.

50. On 25 and 26 August 2025, respectively the Parties returned duly signed copies of the Order of Procedure to the CAS Court Office.

51. On 15 September 2025, a hearing was held via videoconference (the "Hearing").

52. In addition to the members of the Panel, Ms Delphine Deschenaux-Rochat, Counsel to the CAS, and Ms Gabriella Erdí, Law Clerk, the following persons attended the video Hearing:

For the Appellant:	Ms Irina Fetecău (Player) Mr Paul Cicur (Counsel)
For the Respondent:	Ms Louise Reilly (Counsel) Mr Mario Flores Chemor (Counsel) Mr Ben Rutherford, ITIA Senior Director (Legal) Ms Nicole Sapstead, ITIA Senior Director (Anti-doping) Ms Katy Stirling, ITIA Senior Legal Counsel Mr Stuart Miller, ITF Senior Executive Director, Integrity & Legal (observer)
Expert Witness:	Dr Monica Stanescu

53. At the outset of the Hearing, all Parties confirmed that they had no objection to the constitution and composition of the Panel. The Parties were given the opportunity to present their cases, to make their submissions and arguments and to answer questions posed by the Panel. After the Parties' final and closing submissions, the Hearing was closed, and the Panel reserved its detailed decision for this written Award.

54. At the end of the Hearing, the Parties expressly confirmed that they had no objections in relation to their respective rights to be heard and that they had been treated equally in these arbitration proceedings.

55. In reaching the present decision, the Panel has carefully taken into account all the evidence and the arguments presented by the Parties, even if they have not been summarised in the present Award.

IV. THE POSITIONS OF THE PARTIES

56. The following outline of the Parties' positions is illustrative only and does not necessarily comprise every submission advanced by the Parties. The Panel confirms, however, that it has carefully considered all the submissions made by the Parties, whether or not there is specific reference to them in the following summary.

A. The Appellant's Position and Request for Relief

57. The Appellant's arguments made in support of her Appeal and defending against the Cross-Appeal can be summarized as follows:

a. Regarding the Contaminated Product and the Player's duty of care:

- The Yeti Juice qualifies as a Contaminated Product within the meaning of the TADP. The contamination of the Yeti Juice ingested by the Player was confirmed by an independent expert and subsequently acknowledged in the Appealed Decision. This is not contested by the ITIA.

- None of the ingredients listed on the labels of the Yeti Juice are part of the WADA Prohibited List. The substances indicated by the Respondent as potentially dangerous (including *Juglans Regia* and *Hordenine*) are plant-based, and the

Appellant had been informed by her medical team that the Yeti Juice was safe to take.

- The Player regularly consulted Dr X., a highly experienced and well-reputed sports doctor, and only used any supplements upon his recommendation (as stated in the DCF). Dr X. also analysed the label of the Yeti Juice and gave her "green light". The Player took the Yeti Juice with the aim of boosting her energy, as a replacement for coffee, which she did not tolerate well physically.

- The aggressive marketing of the Yeti Juice does not suggest that the Player should not have trusted the safety of the product. It is nothing unique for energy supplements. There are plenty of similar products available offered with an equally aggressive marketing strategy, which have been tested and are safe to take. Similarly, it cannot be held against the Appellant that the Yeti Juice does not possess an official anti-doping certification (such as Informed Sport). Many other nutritional supplements, including products recommended for tennis, are not certified (as, for example, the supplements produced and sold by former tennis player Rafael Nadal in collaboration with Cantabria Labs).

- The Player had bought the Yeti Juice from a trusted source, which has physical and online stores in Romania, with storage facilities approved by the Romanian Government. Moreover, the Yeti Juice was manufactured in the United Kingdom and, therefore, does not stem from a dubious origin.

- During her whole career since 2014, the Player never tested positive for any prohibited substances despite being subjected to numerous doping controls. The Player has been taking the supplements declared in the DCF, including the Yeti Juice, constantly in the past. Notably, in the fall of 2023, while consuming the Yeti Juice, she underwent an in-competition doping control which returned negative results for the Prohibited Substance (as well as for any other prohibited substances).

- On 15 May 2024, prior to receiving the Notice from the ITIA, the Player consulted a cardiologist because she was experiencing heart palpitation symptoms, which, in hindsight, could have been caused by the presence of the Prohibited Substance in the Yeti Juice. As it is well-known, the Prohibited Substance is unsafe and might increase the risk of serious side effects such as rapid heartbeat, high blood pressure, and increased risk of heart attack or stroke. The Player would never have intentionally risked her health to increase her sport performance.

- Following the positive Doping Control, the Appellant undertook all possible steps to obtain a container of the Yeti Juice of the identical batch number and flavour as the contaminated product. She further documented all responses received from both the manufacturer and the supplier. The Romanian supplier of the Yeti Juice informed the Player that a product with the same batch number was no longer available and that the Yeti Juice was no longer sold in Romania. The UK manufacturer also advised the Appellant that no product identical in batch number and flavour was available.

- In a similar case arising during the same period (February 2024), a football player tested positive for the same Prohibited Substance after ingesting the Yeti Juice which was also contaminated.

- The Player has always ensured that her entourage was educated in anti-doping matters.

- Considering the above, the Player left no stones unturned. There is nothing else she could have realistically done, or that the TADP required her to do.

b. Regarding the applicable sanction:

- The period of Ineligibility of 10 months, imposed on the Player by the TADP Independent Tribunal, should be significantly reduced. The Player bears No Significant Fault or Negligence. The Player exercised a high level of care, and her degree of fault is rather light. The sanction imposed by the TADP Independent Tribunal is disproportionate.

- Recent contamination cases in tennis demonstrate that the sanction imposed on the Player is harsher than the one appropriate for her light degree of Fault. In cases involving Non-Specified Substances, which are prohibited at all times, tennis players *Simona Halep* (9 months), *Jannik Sinner* (3 months), and and *Iga Świątek* (1 month) received milder sanctions than the Appellant, who had consumed a Specified Substance which is prohibited in-competition only.

- The football player *Cosmin Matei*, who tested positive for 2-amino-5-methylhexane after having used the same product as the Appellant, was sanctioned (on national level) with a reprimand and no period of Ineligibility. In his case, out of the four Gorilla Alpha Ibiza Juice supplements tested, three were found to be contaminated. The fact that one of the tested supplements was not contaminated demonstrates that the Appellant could not have avoided the positive test simply by testing the product.

- As in Mr Matei's case, the Player could not fully protect herself against contamination. Testing each supplement or medicine in a laboratory to exclude the possibility of contamination is not realistic, given the high costs in relation to the high number of prohibited substances (more than 500).

- As a consequence, the Appellant's period of Ineligibility should be below six months. Her degree of Fault falls into the lightest range of No Significant Fault, as in the words of the TADP, the Player could not reasonably have known or suspect even with the utmost caution that she had used a prohibited substance. Moreover, the Fault or Negligence, when assessed in its overall context, cannot be considered significant in relation to the commission of the ADRVs.

- The ITIA's request, in its Cross-Appeal, for a higher sanction is unjustified. Increasing the Player' Period of Ineligibility to 12 months would have harsh effects on the Player. She would exit the WTA rankings, which would make it practically impossible for her to return to tournaments. Hence, the difference between a 10 and a 12-months sanction is not a nuance, but in fact pivotal to the Player's ability to resume her career.

- Furthermore, the use of nutritional supplements is rather common for elite tennis players. In fact, it is hardly possible to sustain the required physical level for top-tennis without using them.

58. As per her Appeal Brief, the Appellant requests the following relief:

> *"We respectfully request that the COURT OF ARBITRATION FOR SPORT deem this Appeal Brief in relation to the appealed Decision, to issue a new decision partially replacing the decision challenged so that, the Panel render an award by which:*
>
> *A. The Appeal filed by Miss Irina Fetecau against the decision issued on 25 April 2025 by the Sport Resolutions Independent Tribunal is admissible and upheld;*
>
> *B. The Decision no. SR/014/2025 of 25 April 2025 rendered by the Chair of the Independent Tribunal, Sport Resolutions, imposing a period of ineligibility of 10 months starting with 25 April 2025, is (partially) set aside, the part of the decision with reference to the disqualification of results remaining undisturbed;*
>
> *C. A new decision shall be issued by the Panel, by which a shorter period of ineligibility, if any, be imposed on the Player, starting on the same date, i.e. 25 April 2025;*
>
> *D. Any period served by the Player until the final CAS Award shall be credited against the period of ineligibility, if any, imposed by the CAS Panel;*
>
> *E. The procedure is free of costs;*
>
> *F. Each Party shall each bear their own legal costs and expenses incurred in connection with this procedure.*
>
> […]*"*

59. In her Answer to the Cross-Appeal, the Player requests the following relief:

> *"A.* ***to dismiss the Cross-Appeal and, consequently, to maintain and consider the challenged Decision (****namely, the Decision issued by Sport Resolutions on 25 April 2025****) undisturbed with regard to the claims of the cross-appeal and to amend it only in respect of the Player's Appeal;***
>
> *B.* ***to order the ITIA to pay a contribution to the legal fees incurred by this*** *Cross-Appeal before the CAS encumbered by Miss Fetecau."*
>
> [emphasis in the original]

B. The Respondent's Position and Request for Relief

60. The Respondent's arguments introduced as a defense against the Appeal, and in support of the Cross-Appeal, can be summarized as follows:

a. Regarding the Contaminated Product and the Player's duty of care:

- While the ITIA accepts that the Adverse Analytical Finding was the result of a contaminated batch of the Yeti Juice, it submits that – by any reasonable standard – taking the Yeti Juice posed a clear and significant risk. The Player's Fault or Negligence falls under the normal degree of fault pursuant to the criteria set out in CAS jurisprudence.

- Where an athlete has identified potential *"red flags"* in respect of the potential for a supplement to contain prohibited substances, it is imperative for that athlete to ensure that he or she fully investigates the product before deciding whether to take said supplement.

- The Yeti Juice is marketed as a high-stimulant pre-workout product designed to enhance energy, focus, and performance. By a simple Google search of the product, one can find phrases such as *"ultimate energy pump focus and performance", "unleash wild levels of energy and performance", "laser focus tunnel vision"* and *"enhanced mind-muscle connection"*, which by any reasonable standard appeal to athletes seeking a competitive edge.

- The Yeti Juice contains a blend of stimulants and other performance-enhancing compounds, some of which may be structurally similar to prohibited substances. Key ingredients include very high doses of caffeine, *Juglans Regia* and *Hordenine*. In addition, the label merely contains a list of *"supplement facts"* while also specifying *"other ingredients"* which suggests that not all ingredients are properly listed.

- *Juglans Regia* is sometimes marketed as a *"naturally occurring source of Dimethylhexylamine (DMHA) derived from the bark of the English Walnut tree"*. In turn, DMHA is the trade name for Octodrine, a prohibited substance. International federations and integrity agencies have issued easily accessible warnings about the use of Juglans Regia:

  "There has been an inordinate amount of ADRVs that have resulted from Athlete's inadvertently using 4-methylhexanamine and 5-methylhexanamine. […] *These are both prohibited substances commonly added to supplements, such as pre-workout and fat burners, in various forms and can also be known as or likened to:*

  Demethylpentylamine
  DMHA
  Juglans Regia
  Octodrine
  2-aminoisoheptane
  Etc."

- The above information is accessible by a simple Google search, which should have raised the alarms on any reasonable athlete acting with the expected level of care and caution.

- Furthermore, the website of the Yeti Juice's manufacturer also contains several reviews about the intensity and potential side effects of the supplement, which would have alerted a reasonably cautious athlete to the potential risk involved.

- Any reasonable person in the Player's position would have identified the obvious risk factors associated with the Yeti Juice and concluded that a high degree of caution was required. The Player did not adhere to this standard.

- The jurisprudence relied upon by the Player does not serve as a sound basis to determine the Player's degree of fault. In none of the cases cited did the concerned athletes willingly ingest a supplement clearly aimed to enhance physical performance with a list of ingredients which are structurally similar to prohibited substances.

- The Player failed to ensure that the Yeti Juice came from a reliable source.

- The Yeti Juice is not certified by any recognized third-party testing bodies, which significantly increases the risk of contamination or the presence of undeclared substances.

- Furthermore, there is not a single reference either on the Yeti Juice or on the suppliers' website of any scientific rigor. In fact, the website explicitly provides that *"*[a]*ll claims about any product on this website are purely the views of Gorillalpha ownership and may not be clinically proven."*

- The Yeti Juice is not intended for use by professional athletes.

- Even if having consulted Dr X. could reduce the Player's degree of fault to a certain extent, the Player could not blindly rely on said physician's opinion.

b. Regarding the applicable sanction:

- The scope of these proceedings is strictly confined to reviewing the correctness of the period of Ineligibility. The Appellant herself recognised that *"the part of the decision with reference to the disqualification of results"* should remain *"undisturbed"*.

- The TADP Independent Tribunal erred in reducing the Player's period of Ineligibility from the standard 24 months to as little as 10 months. The Player's period of Ineligibility must be increased to 12 months, pursuant to the Player's lack of due care and degree of fault, and in line with CAS jurisprudence (including CAS 2020/A/6852 and CAS 2024/A/10513).

- The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases. Conversely, the likelihood of a finding of Significant Fault in the context of the use of supplements has been repeatedly made clear in the case law.

- The CAS Panel must begin its analysis under the premise that a reduction of the standard sanction of two years in cases of Contaminated Products is exceptional

and based on the level of care and caution that the Player exercised before taking the Yeti Juice, together with her degree of fault.

- Pursuant to CAS jurisprudence as well as the subsequent amendments of the WADA Code and updated jurisprudence (CAS 2013/A/3327; CAS 2017/A/5301 & 5302; CAS 2021/A/7760), a distinction must be made between the following two categories of fault within the context of No Significant Fault or Negligence:
    - Normal degree of fault: 12-24 months with a standard normal degree leading to an 18-month period of Ineligibility and
    - Light degree of fault: 0-12 months with a standard light degree leading to a 6-month period of Ineligibility.
- The Player's conduct must fall within the normal degree of fault.
- As noted by the Panel in the *Cilic* case (CAS 2013/A/3327 & 3335), the assessment of where a particular case may fall following a finding of No Significant Fault or Negligence requires an analysis of the objective and subjective factors of the case. The objective factors are those which a reasonable person would be expected to do in the Player's situation. The subjective factors take into consideration the personal capabilities of the particular athlete. The Panel in *Cilic* suggested that *"the objective element should be the foremost in determining"* into which of the fault categories a particular case falls.
- The steps and objective factors outlined below – which have been identified by CAS panels as relevant – indicate the expected behaviour of a reasonably prudent athlete engaging with the standard of utmost caution required by the Player in the circumstances:
    - Ensuring that there was sufficient information available on the supplement;
    - Ensuring that the product is reliably sourced;
    - Consulting appropriate experts in these matters and instructing them diligently before consuming the product;
    - Disclosing the product on the DCF.
- The ITIA acknowledges that it is not expected from an athlete to evidence that they followed every step of the above list in order to satisfy the CAS Panel that they bear No Significant Fault or Negligence; but instead the Panel ought to consider the list as representing the behaviour of a reasonable person in the Player's position, bearing in mind the obligation on the Player to be fully aware of the ingested substances.
- The Player's departure from the above list ought to be judged against the type of product being consumed. Where the product involved is a nutritional supplement, it must immediately place the Player on high alert and require prudent investigation.

- The subjective factors do not assist the Player in this case. The Player is a highly experienced competitor who has been subject to multiple doping controls and who has undergone significant anti-doping education.
- Notwithstanding the above, the ITIA notes that the fact the Player tested negative in the past while using the Yeti Juice is one of the reasons the ITIA is not seeking a longer period of Ineligibility.

61. In its Answer, the ITIA requested the following relief:

> *"I. The appeal filed by Ms Irina Fetecău is dismissed.*
>
> *II. The Cross Appeal filed by the ITIA is admissible.*
>
> *III. The Appealed Decision shall be confirmed in full, save for the period of ineligibility to be imposed on Ms Irina Fetecău which shall be amended as follows:*
>
> *The Player is sanctioned with a period of ineligibility of 12 (twelve) months, starting from 25 April 2025.*
>
> *IV. Ms Irina Fetecău is ordered to pay a contribution towards the legal fees and other expenses incurred by the ITIA in this arbitration.*
>
> *V. Any request by Ms Irina Fetecău for an order that the ITIA pay a contribution towards the costs that she has incurred in these proceedings is dismissed."*

62. In its Statement of Appeal, serving as the Appeal Brief, the ITIA requests the following relief concerning its Cross-Appeal:

> *"I. The Cross Appeal filed by the ITIA is admissible.*
>
> *II. The Appealed Decision shall be confirmed in full, save for the period of ineligibility to be imposed on which shall be amended as follows:*
>
> The Player is sanctioned with a period of ineligibility of 12 (twelve) months, starting from 25 April 2025.
>
> *III. Ms Irina Fetecău is ordered to pay a contribution towards the legal fees and other expenses incurred by the ITIA in this arbitration.*
>
> *IV. Any request by Ms Irina Fetecău for an order that the ITIA pay a contribution towards the costs that she has incurred in these proceedings is dismissed."*

V. JURISDICTION

63. Article R47 of the CAS Code provides the following:

> "*An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or*

if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body."

64. In the absence of a specific arbitration agreement, the CAS may only assume jurisdiction to hear an appeal if the statutes or regulations of the sports-related body from whose decision the appeal is lodged expressly recognizes the CAS as an arbitral body of appeal.

65. In the present case, the jurisdiction of the CAS derives from Article 13.2 of the TADP, which provides as follows:

> *"The following decisions may be appealed as provided in Articles 13.2 to 13.9: a decision that an Anti-Doping Rule Violation has been committed;*
>
> […]
>
> *13.2.1 Appeals involving Covered Events or Players who are International-Level Players:*
>
> *In cases arising from participation in a Covered Event or in cases involving International-Level Players, the decision may be appealed exclusively to CAS."*

66. Paragraph 123 of the Appealed Decision advises the Parties as follows:

> *"This decision may be appealed to the Court of Arbitration for Sport* […] *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."*

67. The Player is undisputedly an international-level player within the meaning of Article 13.2 of the TADP, and the Appealed Decision is a decision against which a CAS appeal is admissible.

68. Furthermore, the Parties expressly confirmed CAS's jurisdiction through their respective signing of the Order of Procedure, each Party participated fully in the proceedings, and no Party objected to the proceedings or to jurisdiction.

69. In light of the above, the Panel finds that the CAS has jurisdiction to hear this matter.

VI. ADMISSIBILITY

70. Article R49 of the CAS Code provides as follows:

> *"In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document.*

[…]*"*

71. Article 13.8.1. of the TADP provides as follows:

> *"13.8.1.1 The deadline for filing an appeal to the CAS will be 21 days from the date of receipt of the reasoned decision in question by the appealing party. Where the appellant is a party other than the ITIA, to be a valid filing under this Article 13.8.1 a copy of the appeal must be filed on the same day with the ITIA. The foregoing notwithstanding, the following will apply in connection with appeals filed by a party that is entitled to appeal but that was not a party to the proceedings that led to the decision being appealed*
>
> *(a) Within 15 days from the notice of the reasoned decision, such party/ies will have the right to request a copy of the full case file from the body that issued the decision.*
>
> *(b) If such a request is made within the 15-day period, the party making such request will have 21 days from receipt of the file to appeal to the CAS.*
>
> *13.8.1.2 Appeals by the ITIA:*
>
> *The above notwithstanding, the filing deadline for an appeal or intervention filed by the ITIA will be the later of:*
>
> *(a) 21 days after the last day on which any other party having a right to appeal (other than WADA) could have appealed; or*
>
> *(b) 21 days after the ITIA's receipt of the complete file relating to the decision."*

72. The Statement of Appeal complies with all procedural and substantive requirements of the CAS Code, and the admissibility of the Appeal has not been disputed by either Party. Accordingly, the Panel deems the Appeal admissible.

73. For the admissibility of the Cross-Appeal, the Respondent relies on Article 13.9.4 of the TADP, which reads as follows:

> *"13.9.4 Cross appeals and other subsequent appeals allowed:*
>
> *Cross appeals and other subsequent appeals by any respondent named in cases brought to the CAS under this Programme are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with its answer to the appeal."*

74. The Cross-Appeal complies with all procedural and substantive requirements of the TADP, and the admissibility of the Cross-Appeal has not been disputed by either Party.

As a result, the Panel finds that the Cross-Appeal, which was filed with the Respondent's Answer and, therefore, in a timely manner, is admissible.

VII. APPLICABLE LAW

75. Regarding the law applicable to the merits, Article R58 of the CAS Code provides the following:

> *"The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision."*

76. The *"applicable regulations"* for the purposes of Article R58 of the CAS Code are the TADP.

77. Article 1.1.5 of the TADP provides:

> *"1.1.5 Subject to Article 1.1.4, this Programme is governed by English law. Subject always to the jurisdiction conferred on the Independent Tribunal in Article 8.1 and on the CAS in Article 13 to determine charges brought for violation of the TADP and certain related issues, any other claims or disputes (contractual or otherwise) relating to or arising out of the TADP between (on the one hand) Players, Player Support Personnel, and/or other Persons who are subject to the TADP and (on the other hand) the ITF, the ITIA, the ATP, the WTA, the Grand Slam tournaments and/or Delegated Third Parties, are subject to the exclusive jurisdiction of the English courts."*

78. Accordingly, English law applies subsidiarily to the TADP.

VIII. SCOPE OF REVIEW

79. According to Article R57 para. 1 of the CAS Code,

> *"*[t]*he Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance".*

80. CAS panels have repeatedly referred to Article R57 granting them full power to examine all facts and legal issues of a dispute and to hold a trial *de novo*. Against this background, the Panel finds that its power to review the facts and the law of the present case is not limited.

IX. MERITS

A. The Issues

81. In the present proceedings, the Parties agree on all but one issue raised by the Player's doping case. In particular, they agree and do not challenge that

- the Player committed ADRVs under Articles 2.1 (presence of a prohibited substance) and 2.2 (use of a prohibited substance) of the TADP;
- the Prohibited Substance detected in the Athlete's sample is a Specified Substance;
- the ADRVs were caused by a Contaminated Product;
- the ADRVs were not intentional;
- the Player does not qualify for a complete elimination of the standard period of Ineligibility under Article 10.5 TADP (No Fault or Negligence);
- the Player does qualify for a reduction of the standard period of Ineligibility under Article 10.6.1.1 and 10.6.1.2 TADP (No Significant Fault or Negligence);
- the Player's results achieved between 1 and 7 April 2024 are disqualified under Article 9.1 TADP;
- the Player results achieved between 8 and 25 April 2024 are not disqualified on grounds of fairness (Article 10.10 TADP).

82. The only issue the Panel needs to resolve in these proceedings, and this issue is both the subject of the Appeal and the Cross-Appeal, is the length of the Player's period of Ineligibility under Article 10.6.1.1 and 10.6.1.2 TADP. While the Player asserts that, under the concept of No Significant Fault or Negligence, the period of Ineligibility must be reduced to well below 10 months, it is the ITIA's position that the period of Ineligibility should be increased to 12 months.

B. The Law

83. The relevant parts of the TADP addressing fault-based reductions of the applicable period of Ineligibility read as follows:

> *"10.6 **Reduction of the period of Ineligibility based on No Significant Fault or Negligence***
>
> *10.6.1 Reduction of Sanctions in particular circumstances for Anti-Doping Rule Violations under Article 2.1, 2.2 or 2.6:*
>
> *All reductions under Article 10.6.1 are mutually exclusive and not cumulative.*
>
> *10.6.1.1 Specified Substances or Specified Methods*

Where the Anti-Doping Rule Violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Player or other Person can establish that they bear No Significant Fault or Negligence for the violation, the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Player's or other Person's degree of Fault.

10.6.1.2 Contaminated Products

In cases involving a Prohibited Substance that is not a Substance of Abuse, where the Player or other Person 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 or other Person's degree of Fault."

84. Appendix One (Definitions) of the TADP provides the following:

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

"Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player's or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in their career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2."

C. The Panel's Assessment

85. Pursuant to Article 10.2.2 TADP, the standard period of Ineligibility for the Player's ADRVs is two years. The Parties agree that the Player's conduct qualifies for a reduction

of the standard period of Ineligibility under the concept of "No Significant Fault or Negligence", but they disagree on the appropriate reduction.

86. Under the applicable sanctions system enshrined in the TADP and the WADA Code, as discussed in recent CAS jurisprudence (e.g. CAS 2020/A/6852; CAS 2017/A/5301 & 5302; CAS 2021/A/7760), a distinction must be made between the following two categories of fault within the context of "No Significant Fault or Negligence":

(i) Normal degree of fault: 12-24 months with a standard normal degree leading to an 18-month period of Ineligibility and

(ii) Light degree of fault: 0-12 months with a standard light degree leading to a 6-month period of Ineligibility.

87. As suggested in CAS 2013/A/3327 & 3335, and confirmed in CAS 2017/A/5301 & 5302, in order to determine into which category of fault a particular case might fall, it is helpful to consider both the objective and the subjective level of fault: The objective factors are those which a reasonable person would be expected to do in the Player's situation. The subjective factors take into consideration the personal capabilities of the particular athlete. The required assessment is "*fact specific*", and no doctrine of binding precedent applies to the CAS jurisprudence (see CAS 2020/A/6852, FIFA v. Korobov & RUSADA).

88. The TADP Independent Tribunal provided a detailed assessment of the circumstances speaking in favour and against the Player, which the Panel wishes to reiterate as follows:

(i) Circumstances in favour of the Player's position:

- the Player consulted with an experienced sports doctor with anti-doping experience about the safety of the Yeti Juice before using it;
- the Player conducted an internet research on her own, in which she checked the ingredients of the Supplement;
- the Player verified the origin of the product (Romania & UK);
- the Player indicated the use of the Yeti Juice in the DCF and never concealed the use of this Supplement;
- the Player tested negative during a competition in 2023 after having taken the Supplement.

(ii) Circumstances against the Player's position:

- the nature of the Supplement – an ergonomic aid designated to provide a mental or physical edge during performance – signals an increased risk that the product could be contaminated and, thus, required extra caution;
- the Supplement was not marketed for use in professional sports;
- the Supplement was not certified by any institution as safe (*i.e.* as not containing any Prohibited Substances), and the Player did not look for any suitable product bearing such certification;

- the Player is an experienced and highly educated professional tennis player.

89. The disagreement between the Parties is not the existence of these circumstances, but how they should be weighed against each other. While the Appellant submits that these circumstances qualify for a "light" degree of fault, warranting – at most – a period of Ineligibility between 5 and 8 months, the ITIA considers the Player's case to fall into the category of "normal" fault, with an appropriate period of Ineligibility of 12 months.

90. In their written briefings in these appeal proceedings, as well as during the Hearing, the Parties focused on certain aspects of the case, which they considered the TADP Independent Tribunal over- or underweighted, respectively.

91. The Appellant's focus was the comparison of the Athlete's case to other tennis cases, including the *Halep*, *Świątek*, and *Sinner* cases. In all of these cases, the imposed period of Ineligibility was lower than 10 months. The Appellant stressed that she exercised a higher level of care than these three players, in view of the fact that she consulted with a reputable sports doctor, carried out her own due diligence, and listed the Supplement in the DCF.

92. The Respondent argued that the due diligence carried out by the Player was insufficient in view of the high risk associated with the Supplement – a non-registered ergonomic aid – and that her consultation with Dr X. was half-hearted. During the Hearing, the Respondent illustrated that internet research using search terms such as "*doping*" and "*Juglans Regia"* or "*Hordenine"* would have easily alerted the Player to the doping risks of the Supplement. Similarly, the Respondent highlighted that the Player was not allowed to rely on Dr X.'s comments made in a short and informal WhatsApp conversation, in which the Player sent Dr X. a picture of the label of the Supplement, with Dr X. replying very briefly "*seems ok*".

93. The Panel has carefully assessed the Parties' respective arguments as to why the Player's period of Ineligibility should be lower (as requested in the Appeal) or higher (as requested in the Cross-Appeal). The Panel concludes that none of the (additional) arguments justifies an adjustment of the 10 months suspension imposed by the TADP Independent Tribunal in its well-reasoned decision.

94. Regarding the arguments in favour of the Appeal, the Panel disagrees with the Appellant that the *Halep*, *Świątek*, and *Sinner* cases are comparable to the Player's case and call for a lower sanction. In the *Świątek* case, the positive sample had resulted from a contaminated medication, for which the standard of care is lower due to the fact that medications are strictly regulated. The *Sinner* case did not involve contamination through a nutritional supplement, and it was subject to a settlement. This Panel is not privy to the information which led Mr Sinner and WADA to agree on a three months suspension. Simona Halep's period of Ineligibility was just one month lower than the Player's. While the Panel accepts that, contrary to Ms Halep, the Player had indicated the Supplement on the DCF, the Player's duty of care to ensure the safety of the Supplement was higher than Ms Halep's: The supplement taken by Ms Halep was a collagen food product and not a pre-work out supplement promising energy or performance boosts. In respect of the high

risks associated with performance-related supplements, the Panel also wishes to highlight that the sensational presentation of the product, both visually (see the aggressive label displayed *supra,* para. 7) and textually (*"unleash wild levels of energy and performance"*) should have alerted the Player to exercise extra care in her due diligence about the Supplement (on this aspect see also CAS 2024/A/10513). This is all the more true given that both the WTA and WADA expressly warn athletes of the use of nutritional supplements, and that the Player would have had the opportunity to look for a suitable product that has been registered as free of Prohibited Substances, but apparently did not do so.

95. Yet, despite the insufficiencies of the Player's attempts to verify the safety of the Product, and while the Panel finds that these insufficiencies prevent any further reduction of the sanction beyond the reduction already imposed by the TADP Independent Tribunal, the Panel also disagrees with the ITIA that these insufficiencies make the Player's conduct fall within the "normal" instead of "light" fault category.

96. In fact, the Player followed many of the recommended steps in checking the Supplement. She consulted with Dr X., who is a recognized sports doctor with anti-doping experience. Dr X. informed the Player that the Supplement "*seemed ok*". The Panel agrees with the ITIA that the related WhatsApp communication alone did not relieve the Athlete of engaging in an additional due diligence, particularly because she did not discuss the Supplement with Dr X. any further. However, the Player credibly testified during the Hearing that besides consulting with her doctor, she conducts her own research of any supplements she takes (including with respect to the Supplement). Her research consists of the following steps: (i) reading the ingredients on the label and checking them against the WADA Prohibited List; and (ii) performing an online search of each ingredient to learn about their effects. She considered these steps sufficient from an anti-doping perspective and therefore did not include the word "*doping*" next to the respective ingredient when conducting her internet search for the Yeti Juice.

97. While the Panel accepts that the search terms suggested by the ITIA, which include the word "*doping*", could have flagged to the Player a doping context of two of the ingredients of the Yeti Juice, it also appreciates that she tried in good faith to find information about the listed ingredients of the Supplement on her own and beyond her doctor's advice. Her failure to apply proper additional search terms next to the individual ingredients she checked does not – in the Panel's view – make her overall conduct fall into the "normal" instead of "light" category. In this context, the Panel endorses previous CAS jurisprudence (CAS 2020/A/6852) which explained that the bar for the application of the concept of "No Significant Fault or Negligence"

> *"should not be set too high. A claim of "No Significant Fault or Negligence" is by definition consistent with the existence of some degree of fault and cannot be excluded simply because an athlete left some stones unturned. As a result, a deviation from the duty of exercising the utmost caution does not imply per se that an athlete's negligence was significant. An athlete can always read a label, make searches, cross-check the ingredients against the Prohibited List or consult and, eventually, not take the product. However, an athlete cannot reasonably be*

expected to follow all such steps in every and all circumstances. To find otherwise would render the "No Significant Fault or Negligence" provision meaningless."

98. These remarks must be borne in mind also when distinguishing "normal" from "light" fault.

99. Furthermore, the Panel had the impression from the Player's authentic demeanour and credible testimony during the Hearing that – subjectively – she sincerely tried to do what she believed to be sufficient under the circumstances. That, from an objective perspective, she was required to do more in view of the dangerousness of the Supplement was apparently not clear to her at the time, and the Panel appreciates that the Player does not have the same professional calibre, or anti-doping experience or education, or support staff, as, for example, Ms Halep, a former no. 1 in the WTA ranking. The Panel is of the view that the athlete is not a cheater, but she did not live up to her duty of care in preventing her ingestion of the Prohibited Substance as a result of use of what later turned out to be a contaminated supplement.

100. All in all, the Panel concurs with the Appealed Decision both with respect to its reasoning and with respect to the imposed sanction. Hence, considering all of the circumstances of the present case, and weighing them against each other, the Panel finds that a period of Ineligibility of ten months is the appropriate sanction in this case.

X. COSTS

(…)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Appeal filed by Ms Irina Fetecău on 15 May 2025 against the decision by the Independent Tribunal of the International Tennis Integrity Agency (ITIA) rendered on 25 April 2025 is dismissed.

2. The Cross-Appeal filed by the International Tennis Integrity Agency (ITIA) on 23 June 2025 against the decision by the Independent Tribunal of the International Tennis Integrity Agency (ITIA) rendered on 25 April 2025 is dismissed.

3. The decision by the Independent Tribunal of the International Tennis Integrity Agency (ITIA) rendered on 25 April 2025 is confirmed.

4. (…).

5. (…).

6. Any other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 18 December 2025

THE COURT FOR ARBITRATION FOR SPORT

Annett Rombach
President of the Panel

Jeffrey G. Benz
Arbitrator

Romano Subiotto KC
Arbitrator