

## **'Passionate Kissing' Defense Clears Sprinter Accused of Doping**

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Full Text:

The moral of this story is that it is perfectly O.K. to passionately kiss your mate, even if he or she has a sinus infection.

First, meet the characters: Gil Roberts is a world-class sprinter from Oklahoma who won a gold medal for the United States in a relay at the 2016 Summer Olympics. His girlfriend, Alex Salazar, was sick last spring.

When Roberts failed a drug test, he mounted one of the more novel defenses in the history of sports doping. He said that he had kissed Salazar passionately, and that her sinus medication had entered his body.

On Thursday, an appeals court sided with the passionate kissing defense. Roberts was exonerated.

"There could have been tongue kissing, but it was more that she kissed me so soon after taking the medicine," Roberts said Thursday, expressing relief that he had evaded a ban of up to four years for trace amounts of probenecid, a masking agent prohibited by sports regulators for its ability to disguise other drugs.

Three arbitrators wrote that it was more likely than not "that the presence of probenecid in the athlete's system resulted from kissing his girlfriend." A different decision could have jeopardized Roberts's Nike sponsorship, or his eligibility for the 2020 Olympics.

Professional athletes have attributed doping violations to contaminated beef, spiked energy drinks and vanishing look-alikes seeking to sabotage them. Rarely do their claims prove persuasive. But Roberts, with the help of his girlfriend's testimony, dealt a blow to global antidoping officials, who had appealed a preliminary decision clearing Roberts last summer.

Even with such cross-contamination scientifically possible, regulators argued his account was implausible -- including an antibiotic regimen his girlfriend had not seen through to completion, leaving one capsule as evidence. Regulators called him reckless and at fault for even an inadvertent violation.

"I'm like, how can I be negligent for kissing my girl?" Roberts said, noting she had kept her sickness hidden at the time, for fear it might dampen his desire to spend time with her.

At a hearing in New York last week, Salazar helped mount the winning defense. She testified about the sinus infection she'd contracted on a family vacation in India and about the 14-day regimen of antibiotics, now out of production, she obtained there.

She testified about her aversion to swallowing pills, which prompted her to empty each capsule's contents onto her tongue. And she testified about the frequent and passionate kissing. Roberts produced his urine sample roughly three hours afterward, she said.

Salazar's stepfather, who had accompanied her to procure the drug in what was described as semirural India, also testified, certifying he had in Hindi brokered the purchase of Moxylong -- the antibiotic amoxicillin with traces of the prohibited probenecid.

"We weren't even embarrassed in the courtroom. It felt very technical," Salazar, 24, said.

"We had passport stamps, receipts, and all of the dates lined up perfectly," she added, referring to the timeline of vacation, sickness and return home to Los Angeles in March 2017.

Flown in from France to testify at Roberts's arbitration hearing was the foremost scientific expert on the matter -- Dr. Pascal Kintz, a professor at the University of Strasbourg, whose testimony also figured into the first precedent-setting kissing case in 2009.

In that case, Richard Gasquet, a French tennis player, successfully proved that traces of cocaine in his body had been transmitted by a woman named Pamela he had repeatedly kissed in a Miami nightclub on the eve of playing in a tournament.

A tennis doping panel found him at fault, ruling he had acted recklessly by engaging as he did with a stranger. But the Court of Arbitration for Sport -- the ultimate arbiter of sports disputes, which issued Thursday's ruling -- overruled it with a more forgiving opinion, and no punishment.

"Even when exercising the utmost caution, the player could not have been aware of the consequences that kissing Pamela would have on him," sports arbitrators wrote in their decision about Gasquet, who had sued the woman he kissed to obtain a sample of her hair to prove routine cocaine use, which his own hair sample had disproved.

Another athlete, the decorated Canadian pole-vaulter Shawn Barber, similarly avoided a multiyear suspension in 2016, successfully attributing a low-level cocaine violation to an intimate encounter with a woman he had met on Craigslist the night before Olympic trials.

Jonathan Taylor, a prominent global sports lawyer who represented the International Tennis Federation in its appeal of Gasquet's case, said that athletes were strictly liable for any substance in their system -- even if that substance was ingested completely unintentionally.

"They will only avoid a ban in very exceptional cases, where they can show that they took every reasonable precaution," Taylor said, adding that the further removed an

athlete was from training and competition -- and the more personal the atmosphere -- the lower the level of precautions he or she might be expected to take.

Still, to prevent against a flood of similar such defenses, he said, the top sports court would surely require strong objective and scientific evidence to validate future accounts of cross-contamination by kiss.

Salazar said that since last spring, her boyfriend's case had raised her own sense of caution. "Before I even take DayQuil, it crosses my mind," she said. "Anything I take now, I think twice before I even go near him."

CAPTION(S):

PHOTO: Gil Roberts at the IAAF World Championships in London last August. He won a gold medal in the 4x400-meter relay at the 2016 Summer Olympics. (PHOTOGRAPH BY JEWEL SAMAD/GETTY IMAGES)

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