

United States Anti-Doping Agency



October 11, 2004

David Schmidt
LifeWave Products, LLC
1000 Peachtree Industrial Blvd., Suite 6-321
Suwanee, GA 30024

Dear Mr. Schmidt:

Pursuant to your request, I have enclosed the letter sent to USA Swimming and Federation Interantionale De Natation ("FINA") concerning the request we received to look into the use of patches by certain swimmers. Additionally, I have provided a copy of the warning we issued on our website and elsewhere concerning the use of certain products, which may contain prohibited substances.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Tygart", written over a horizontal line.

Travis T. Tygart
Director of Legal Affairs

Enclosure

United States Anti-Doping Agency
2550 Tenderfoot Hill Street, Suite 200
Colorado Springs, Colorado
80906-7346
Phone: 719-785-2000
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usada@usantidoping.org

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Lawrence Brown, MD, MPH
Jean Fourcroy, MD, PhD, MPH
Andrew Mecca, Dr. PH, MPH

United States Anti-Doping Agency



Via Facsimile and Overnight Delivery

August 9, 2004

Cornel Marculescu
Executive Director
Federation Interantionale De Natation
Av. De l' Aventa-Poste 4
1005 Lausanne
Switzerland

Chuck Wielgus
Executive Director
USA Swimming
One Olympic Plaza
Colorado Springs, CO 80909

Dear Mr. Marculescu and Mr. Wielgus,

As you may know, in mid-June 2004, the United States Anti-Doping Agency ("USADA") was informed that certain swimmers associated with the women's swimming program at Stanford were wearing "patches" during practice and competition. USADA was also informed that some of these "patches" had been tested by a private laboratory and allegedly showed the presence of a prohibited substance. As you know, USADA was requested to look into the information provided to it concerning these "patches."

First, upon initially learning that swimmers were using these patches, which were alleged to contain prohibited substances, USADA conducted targeted, out-of-competition, no-notice testing on athletes associated with the Stanford women's program. USADA tested several athletes believed to be wearing the patches and they tested negative. Additionally, these athletes were also subject to regular in-competition testing and none of the swimmers have tested positive.

Additionally, USADA was provided two separate sets of patches. USADA forwarded these patches for testing to the World Anti-Doping Agency ("WADA") accredited laboratory at the University of California at Los Angeles ("UCLA Laboratory"). The first set of "patches" received by USADA apparently came from the same set as those that the swimmers were wearing at the 2004 U.S. Olympic Trials. The second set received by USADA was from the set of patches collected from the swimmers in early

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April 2004. USADA has no independent evidence that the patches came from any other source than as reported to it.¹

The UCLA Laboratory conducted a thorough scientific analysis on both sets of patches. The UCLA Laboratory analysis utilized gas-chromatography/mass-spectrometry methods which are among the most sophisticated and sensitive in the detection of prohibited substances. The UCLA Laboratory reports that none of the patches, which it received from USADA, contained any substance on the prohibited list. Importantly, these test results are necessarily limited to only the patches tested and should not be interpreted to suggest that any other patches are free of prohibited substances.

Lastly, USADA has been in contact with the private laboratory which supposedly tested patches provided to it by a third party. This laboratory, after conducting an internal search, has no record of performing testing on any patches and states unequivocally that it does not perform this type of testing. We have received and analyzed a fax cover sheet and a typed, unsigned paragraph reporting to be the test results of the patches performed by this private laboratory. The private laboratory which supposedly generated this report and fax cover sheet denies that the report and the fax cover sheet originated at its laboratory.² USADA has been unable, despite repeated efforts, to fully identify or contact the third party who supposedly provided the patches directly to this private laboratory.

At this time, following extensive information gathering including target testing, independent laboratory analysis and investigating the alleged positive laboratory report, USADA does not have any credible information to support that the patches provided to it contain any prohibited substances. Likewise, USADA has no credible evidence to believe that the use of the patches by the swimmers associated with the Stanford women's swimming program was a violation of any anti-doping rules.

Importantly, USADA warns all athletes, including your swimmers, that they are strictly responsible for everything that goes into their body by whatever means. USADA encourages FINA and USAS to continue to take affirmative steps to ensure that your swimmers are adequately warned of the dangers of supplements. As you know, all products in the U.S. falling under the Dietary

¹ None of the patches received by USADA had any identifying marks, packaging or brand name on them.

² The fax cover sheet and letterhead of the private laboratory is not the same as that of the alleged test result.

Supplement Health and Education Act ("DSHEA") including vitamins, minerals, herbs, amino acids and other supplements regardless of their form or administration (powder, liquid, cream, transdermal administration) are not adequately regulated and often contain unlisted prohibited substances which may result in doping violations.

If you have any questions or concern, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Tygart', is written over a solid horizontal line.

Travis T. Tygart
Director of Legal Affairs

cc: Terry Madden, CEO, USADA
Jeff Benz, General Counsel, USOC

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Athlete Advisory – WARNING REGARDING USE OF PATCHES AND CREAMS

USADA has recently been informed that some athletes may have used or may currently be using certain types of transdermal delivery systems (e.g., patches or certain creams) to deliver substances into the body through the skin. USADA is taking this opportunity to once again caution all athletes that it is the personal responsibility of each athlete to ensure that s/he does not allow any prohibited substance to enter his/her system, or use any prohibited method.

There are a number of patches and creams available in the marketplace that may contain prohibited substances and could result in an athlete having an adverse drug test result. Athletes should always carefully review the list of ingredients for a pill, patch or a cream to determine if it expressly lists any prohibited substances. However, athletes should also be aware that products sold as dietary supplements are not 'safe' simply because the label does not list any prohibited substances. Unfortunately, there is a very real possibility that, because of either incomplete labeling or contamination, the nutritional supplement product could contain substances not listed in the ingredients.

The same warnings that USADA has previously issued regarding the risks of using vitamins, minerals, amino acids or other dietary supplements are equally true for products that may deliver substances into the body through the skin. Athletes should exercise extreme caution when considering taking any dietary supplement, including any product that may work through a transdermal delivery system. Athletes are ultimately responsible for what they consume. If you choose to take dietary supplements or use products that deliver substances into the body through the skin, you do so at your own risk. If you are unsure of what you are taking or using, and the product is a supplement do not use the product. If you are unsure about the status of a prescribed medication, please contact your prescribing physician. If you have questions, call USADA's Drug Reference Line at 1-800-233-0393 (in U.S.) or 1-719-785-2020 (outside of U.S.).

August 16, 2004