

CALENDAR NOTICE (to be published 30 January 2015)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 22 January 2015:-

Mr J Akerman (in the chair)

Dr AJ Higgins

Mr R Woodworth CBE

1. Perry Barr Stadium - MAYS GOODLUCK - Professional Trainer Mr B Berwick

Professional Trainer Bruno Berwick was found in breach of rules 152(i) & (ii), 174(i)(a) and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound MAYS GOODLUCK at Perry Barr Stadium on 3rd October 2014 was analysed by LGC Health Sciences as containing the presence of benzoylecgonine (a metabolite of cocaine).

Mr Berwick was in attendance. Professor Tim Morris, independent scientific adviser, and Jack Robinson, area stipendiary steward, were also present. Martin Seal, racing manager of Perry Barr Stadium, apologised for his non-attendance.

The Committee heard evidence from Professor Morris that Cocaine is a Class A drug, possession of which is an offence under the Misuse of Drugs Act 1971. It has no veterinary application and affects dogs as it does humans by stimulating the brain. Other studies on dogs given cocaine have reported significant effects on other body systems including heart function. It is therefore a substance which, by its nature, could affect the performance of a greyhound and prejudice the welfare of a greyhound.

Professor Morris stated that the amounts of benzoylecgonine and other cocaine metabolites detected in the urine of MAYS GOODLUCK on 3rd October 2014 were not trivial and indicated that cocaine had passed through the Greyhound. The level of benzoylecgonine, at around 6ng/ml, was similar to that seen 72-120 hours after administration of clinically significant doses of cocaine to dogs in clinical studies. Professor Morris added that it was also possible that the level of the metabolite detected was the result of an administration of a smaller dose of cocaine to the Greyhound closer to the race. After considering the evidence the Committee concluded that cocaine was probably administered in a window between 4 and 100 hours before the race.

A hair sample taken from MAYS GOODLUCK on 11 November 2014 tested positive for cocaine and its metabolites and indicated the presence of other substances known to be commonly used cutting agents. Professor Morris stated his opinion that the hair sample test results were consistent with the finding of the cocaine metabolite in the urine sample, and indicated that the Greyhound had been directly exposed to illegally sourced cocaine and possibly also exposed directly to benzoylecgonine.

In his written evidence Mr Berwick referred to local builders working in his kennels during the period in question, but supplied no evidence to link this with the positive sample and did not persuade the Committee that this was the source of the cocaine.

The Committee asked Mr Berwick about the staff working at the kennel at the time of the positive sample. Mr Berwick gave oral evidence that one member of staff had left his employment around September/October 2014 for an unrelated reason and that none could be held responsible for any accidental or deliberate administration of cocaine.

The Committee enquired about the sampling procedure on the night in question. It became apparent during the Inquiry that the sample intended to be taken from MAYS GOODLUCK pre-race was taken post-race without the use of disposable gloves. The sampling bowl had been kept unsealed in a stadium parader's jacket worn by Mr Berwick, who explained that the Greyhound failed to produce a pre-race sample, consistent with its normal behaviour. The Committee did not accept that the parader's jacket could have been the source of the cocaine as the scientific evidence clearly pointed to the administration of cocaine at least four hours before the race.

The Committee noted Mr Berwick's statement that he denied administering cocaine, that he trusted his staff and could not explain how cocaine came to be present in the Greyhound's system. However the ultimate responsibility lay with him.

The Committee accepted the expert advice that a clinically significant dose of cocaine had been administered to MAYS GOODLUCK. This was during a period when the Greyhound was in Mr Berwick's charge. After hearing the evidence and in the absence of any credible explanation the Committee were driven to conclude, on the balance of probability, that Mr Berwick had administered cocaine or allowed or caused the administration of the drug. Mr Berwick was found to have acted in a manner prejudicial to the proper conduct of greyhound racing as regulated by GBGB. The Committee expressed the view that the seriousness of the rule breaches cannot be overstated in terms of their impact on the integrity of greyhound racing and the welfare of the greyhound.

The Disciplinary Committee acknowledged the Director of Regulation's recommendations concerning the breaches and took into account Mr Berwick's attendance at the Inquiry, his previously unblemished record and the character references provided by him. In the circumstances of the case involving the presence of a Class A Drug that would affect the greyhound's performance, the Committee imposed on Mr Berwick a six month disqualification and a fine of £2,000.

2. Sheffield Stadium – KILRONAN GLEN - Professional Trainer Miss J Lowe

Professional Trainer Joanne Lowe was found in breach of rules 152(i) & (ii), 174(i)(a), 214 and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound KILRONAN GLEN at Sheffield Stadium on 30th September 2014 was analysed by LGC Health Sciences as containing the presence of methylhexanamine.

The Committee accepted Miss Lowe's apology for her non-attendance and that of Richard Munton, racing manager of Sheffield Stadium. Professor Tim Morris, independent scientific adviser, and Jack Robinson, area stipendiary steward, were in attendance along with John Gilburn, authorised representative and David Perry, general manager of Sheffield Stadium.

Before the commencement of proceedings, the Committee noted that Miss Lowe, at the Local Inquiry, had admitted breaches on the basis of strict liability. At this Inquiry the Director of Regulation

requested a determination by the Committee on the facts that established the admitted breaches of the Rules and the remaining alleged breaches which were not admitted. The Committee was content to proceed to a hearing of those matters and to determine the facts in dispute.

The Committee heard evidence from Professor Morris that methylhexanamine is not available as a veterinary or human medicine. It is a synthetic drug with known potential for abuse in sport and is listed as a prohibited substance by the World Anti-Doping Agency. It affects dogs by raising blood pressure and dilating airways and in higher doses could cause serious adverse effects. It is a stimulant of the cardiovascular and respiratory system and has a diuretic effect in dogs which would reduce weight. As such, methylhexanamine is a substance which, by its nature, could affect the performance of a greyhound or prejudice the well-being of a greyhound.

In her written evidence Miss Lowe strongly denied administering the drug and believed that the substance came to be in the Greyhound's system via contaminated food or vitamins purchased over the internet. Miss Lowe stated that she had been feeding Category 2 meat to her racing greyhounds and when informed of the positive sample had changed to Category 3 meat. The Committee noted that advice had been given by GBGB via the Calendar on a number of occasions and reinforced by the Stipendiary Stewards, strongly recommending that racing greyhounds should only be fed Category 3 meat due to the high risk of drug residue contamination in Category 1 and 2 meat. Mr Robinson stated in his oral evidence that Miss Lowe had been aware of this guidance.

The Committee heard from Professor Morris that it was most unlikely that methylhexanamine would be given to farm animals and the Committee could find no reason to conclude that the substance would be administered to animals destined for food production. For this reason the Committee did not consider it probable that contaminated meat was the source of the positive sample.

Miss Lowe stated that she gave her racing greyhounds vitamin supplements purchased from a UK supplier over the internet. The Committee noted that food supplements are carefully regulated in the UK and any containing significant amounts of methylhexanamine would be subject to the Medicines Act and require licensing as a medicine. Samples of the supplements given by Miss Lowe to her racing greyhounds were obtained from her kennels and all tested negative by LGC Health Sciences.

The Committee noted that Trainers had been warned, via the Calendar, of the risks posed by feeding supplements and vitamins to racing greyhounds and of purchasing such products via the internet. The advice served to remind Trainers of their responsibilities under the rules of racing to ensure that all food, vitamins and additives fed to greyhounds in their charge are free from any substances that may falsely affect their performance or well-being.

In the absence of an innocent explanation, the Committee was driven to conclude, on the balance of probability, that the most likely explanation for the positive sample was through direct administration of methylhexanamine, possibly by direct administration of the substance or use or abuse of a food supplement intended to affect the Greyhound's performance. The Committee found that it was not possible to identify the source of the methylhexanamine, but the ultimate responsibility lay with Miss Lowe.

After hearing the evidence the Committee concluded, on the balance of probability, that Miss Lowe had administered or allowed or caused methylhexanamine to be administered to the greyhound KILRONAN GLEN. She had failed to take action to ensure that the greyhound was free from a banned substance which by its nature could affect its performance or well-being and was accordingly found in breach of rules 152(i) and (ii) and 174(i)(a).

Miss Lowe was also found in breach of rules 214 and 217 in that KILRONAN GLEN was not free at the time of racing of a substance that could affect its performance or welfare.

The Committee accepted Miss Lowe's reason for not attending the inquiry but their consideration of the matter was hindered by her absence as there were a number of issues in the evidence bundle that required further explanations from her, in particular her use of vitamin supplements and their source. In addition the Committee required explanations of Miss Lowe's apparent disregard of the clear guidance given by GBGB to trainers regarding the feeding of meat and the administration of vitamins and supplements to racing greyhounds, particularly those purchased from the internet.

The Disciplinary Committee considered these to be serious breaches of the Rules of Racing and expressed their concern at their impact on the integrity of greyhound racing and the welfare of the greyhound. By failing to ensure that the Greyhound KILRONAN GLEN was free of a banned substance not licensed for use in dogs and known to have a history of abuse in sport, Miss Lowe was found to have acted in a manner prejudicial to the proper conduct of greyhound racing as regulated by GBGB.

The Disciplinary Committee acknowledged the Director of Regulation's recommendations concerning the breaches and took into account Miss Lowe's admission of some of the rule breaches and her previously unblemished record. The Committee felt that the circumstances of the case and the nature of the drug involved required an appropriate penalty, and ordered that Miss Lowe be severely reprimanded and fined £1,000. In addition Miss Lowe was issued with an Advisory Notice that any further serious rule breaches would lead to a recommendation to a future Disciplinary Committee that her licence be withdrawn.

3. **Inter Track at Nottingham Stadium - ONTHECAPTAIN - Professional Trainer Mr R Harwood, Professional Trainer Mr I Walker and Licensed Kennelhand Mr M Lambert**

Professional Trainer Ronald Harwood (attached to Kinsley Greyhound Stadium) was found in breach of rules 152(i) & (ii), 174(i)(a), 214 and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound ONTHECAPTAIN at Nottingham Stadium on 10th October 2014 was analysed by LGC Health Sciences as containing the presence of a pentobarbital metabolite.

Professional Trainer Ian Walker (attached to Perry Barr Greyhound Stadium) was found in breach of rule 152(ii) for a failure to register with DEFRA as an end user of animal by-products as he was required to do under Article 23 of Regulation (EC) No. 1069/2009 (ABPR).

Licensed Kennelhand Mr M Lambert was found in breach of rule 152(ii) for a failure to register with DEFRA as a seller and transporter of animal by-products as he was required to do under Article 23 of Regulation (EC) No. 1069/2009 (ABPR).

Mr Harwood was in attendance accompanied by licensed kennelhand and owner Mrs Joan Grigg. Mr Lambert was also in attendance. Mr Walker apologised for his non-attendance. Professor Tim Morris, independent scientific adviser, Jack Robinson, area stipendiary steward and Clive Carr, investigating officer, were also present. Peter Robinson, racing manager of Nottingham Stadium, apologised for his non-attendance.

Professional Trainer Mr R Harwood

In his written evidence Professor Morris stated that pentobarbital is available as a veterinary medicine in a concentrated solution for injection for euthanasia of animals. It is not available as a medical drug in the UK but is available in other countries. In the UK it is a Class B, Schedule 3 Controlled Drug.

By its nature pentobarbital is a substance which could affect the performance of a greyhound or prejudice the well-being of a greyhound.

Professor Morris stated that, in his opinion, as there are stringent legal restrictions on the supply of pentobarbital it was very unlikely that a specialist chemical supplier or a medical drug source could have been the potential source of supply. In contrast pentobarbital is the most common drug used by veterinary surgeons for euthanasia, albeit with controls.

Mr Harwood stated that he had never used pentobarbital in his kennels and suggested that it must have been present in the Greyhound's feed. He explained that, at the time of the positive sample, he fed meat including stained meat supplied by Professional Trainer Ian Walker. The GBGB has advised via Stipendiary Stewards and in the Calendar on a number of occasions that Category 3 meat, which should be free from drug residues, should be fed to racing greyhounds. Mr Harwood admitted that he was aware of this advice. Following notification of the positive sample Mr Harwood stated that he no longer feeds stained meat to his racing greyhounds, and had applied for a DEFRA Licence as a user of animal by-products.

Professor Morris stated that in his opinion, despite the controls both on the use of pentobarbital and the guidance on the use of animal by-products in making pet food, the most likely source of the pentobarbital metabolite found in the urine sample of ONTHECAPTAIN was from a source of meat contaminated with pentobarbital used for euthanasia.

In the light of the expert advice, the Committee accepted that the most likely source of the substance was through the feeding of contaminated meat, and that pentobarbital had not been deliberately administered to ONTHECAPTAIN.

The Committee was satisfied, from the evidence and explanations provided, that Mr Harwood was purchasing meat including stained meat from Mr Walker and feeding it to his racing greyhounds. This was probably Category 2 meat carrying a high risk of drug contamination. However, from the evidence available and the apparent ignorance of the risks involved in using high risk meat displayed by the parties to these transactions, the Committee could not completely rule out the possibility that Category 1 meat had been "used". In the Committee's view this was an extremely serious matter, particularly given Mr Harwood's admission that he had seen the Calendar Notice warnings regarding the feeding of red meat to racing greyhounds but continued feed high risk meat against the advice.

Mr Harwood was found in breach of Rules 152(i) and (ii) and 174 (i)(a) of the GBGB Rules of Racing in that he had deliberately fed stained meat to ON THECAPTAIN and had failed to ensure that the Greyhound was free of a banned substance which by its nature could affect its performance or well-being. He had “used” meat containing animal by-products without regard to GBGB guidance and without obtaining the appropriate DEFRA Licence, and had therefore acted in a manner prejudicial to the good conduct of greyhound racing as regulated by GBGB.

The Disciplinary Committee acknowledged the Director of Regulation’s recommendations concerning the admitted breaches. The Committee acknowledged that Mr Harwood had appeared at the inquiry and noted his previous good record. He had applied for a DEFRA Licence and given an assurance that he no longer feeds stained meat to his racing greyhounds. However the Committee could not disregard the risk to animal health that Mr Harwood had taken in feeding high risk meat to his racing greyhounds. In all the circumstances of the case the Committee ordered that Mr Harwood be severely reprimanded and fined £500.

Professional Trainer Mr I Walker

The Disciplinary Committee heard evidence that Mr Walker purchased bulk supplies of meat including stained meat from licensed kennelhand Michael Joseph Lambert on a fortnightly basis. The purchases included additional meat which Mr Walker sold on, apparently at cost price, to Professional Trainer Ronald Harwood. By his own admission Mr Walker did not have a DEFRA Licence with regard to the use or storage of animal by-products. He did not consider himself to be a “supplier” of the meat, and stated that he believed that the purpose of staining was merely to identify meat not fit to enter the human food chain.

The Committee was satisfied from the evidence and explanations provided, that Mr Walker had purchased meat including stained meat from Mr Lambert, and had transported and sold stained meat to Mr Harwood. This was probably Category 2 meat with a high risk of drug contamination. However, from the evidence available and the apparent ignorance of the risks involved in using high risk meat displayed by the parties to these transactions, the Committee could not completely rule out the possibility that Category 1 meat had been "used". In the Committee’s view this was an extremely serious matter.

The Committee noted that advice had been given by GBGB via the Stipendiary Stewards and the Calendar on a number of occasions, that strongly recommended that racing greyhounds should only be fed Category 3 meat due to the high risk of drug residue contamination in Category 1 and 2 meat.

The Committee found Mr Walker in breach of rule 152(ii) in that he had “used”, transported and sold meat containing animal by-products without regard to GBGB guidance and without obtaining the appropriate DEFRA Licence, and had therefore acted in a manner prejudicial to the good conduct of greyhound racing as regulated by GBGB. The Committee had found it unhelpful that Mr Walker had not attended this Inquiry to answer the Committee’s questions about his role in this matter.

The Disciplinary Committee acknowledged the Director of Regulation’s recommendations concerning the breach of the rules. The Committee could not disregard the risk to animal health that Mr Walker had taken in supplying high risk meat to Mr Harwood. The Committee noted a previous breach of the

rules of racing by Mr Walker in December 2011 for which he received a severe reprimand, a fine of £1,500 and a 12-month Advisory Notice. In all the circumstances of the case the Committee ordered that Mr Walker be severely reprimanded and fined £750. Mr Walker was also issued with a further, indefinite, Advisory Notice advising him that any further serious rule breaches could lead to more serious penalties.

Licensed Kennelhand Michael Joseph Lambert

The Disciplinary Committee heard evidence that Mr Lambert purchased bulk supplies of meat including stained meat on a fortnightly basis from a person who he said he could not identify other than by referring to him as "Jack". Mr Lambert stated that he believed the meat to be fit for human consumption. He said that he did not understand the context of staining meat and by his own admission did not at the time have a DEFRA Licence with regard to the use or storage of animal by-products.

Mr Lambert stated that he sold meat including stained meat to Professional Trainer Ian Walker. The Committee was satisfied, from the evidence and explanations provided, that Mr Lambert had transported and sold stained meat to Mr Walker. This was probably Category 2 meat carrying a high risk of drug contamination. However, from the evidence available and the apparent ignorance of the risks involved in using high risk meat displayed by the parties to these transactions, the Committee could not completely rule out the possibility that Category 1 meat had been "used". In the Committee's view this was an extremely serious matter.

The Committee noted that advice had been given by GBGB via the Stipendiary Stewards and the Calendar on a number of occasions, that strongly recommended that racing greyhounds should only be fed Category 3 meat due to the high risk of drug residue contamination in Category 1 and 2 meat. Mr Lambert said that he had only become aware of the risks after seeing the most recent Calendar Notice on this subject in November 2014. The Committee noted that Mr Lambert was nevertheless a kennelhand working for a licensed Professional Trainer and had been involved with greyhound racing for many years. They were not therefore convinced that he would have been unaware of the GBGB Guidance on the feeding of stained meat.

The Committee found Mr Lambert in breach of rule 152(ii) in that he had "used", transported and sold meat containing animal by-products without regard to GBGB guidance and without obtaining the appropriate DEFRA Licence, and had therefore acted in a manner prejudicial to the good conduct of greyhound racing as regulated by GBGB.

The Disciplinary Committee acknowledged the Director of Regulation's recommendations concerning the breach of the rules. The Committee could not disregard the risk to animal health that Mr Lambert had taken in supplying high risk meat to Mr Walker. The Committee noted Mr Lambert's statement that he was unaware of any wrongdoing and that he had subsequently obtained a DEFRA Licence as a user of animal by-products. In all the circumstances of the case the Committee ordered that Mr Lambert be severely reprimanded and fined £500. Mr Lambert was also issued with an Advisory Notice expiring in 12 months advising him that any further serious rule breaches could lead to more serious penalties.