

CALENDAR NOTICE (to be published 13 January 2017)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 6 December 2016:-

Mr K Salmon (in the chair)

Mr H Starte

Mr M Elks

1. **Pentobarbital Positives**

The Disciplinary Committee received reports of ten positive samples for pentobarbital and/or hydroxylated metabolites of pentobarbital taken on the following dates:

9 May 2016 – Pelaw Grange Stadium – AMAZING EVENT, ELUSIVE CHARLIE, TURBO MODEL, KILLAHAGAN ACT – Registered Sales Agent John Kennedy

9 May 2016 – Pelaw Grange Stadium - QUOIN PRINCE – Registered Sales Agent Ross Myles

9 May 2016 – Pelaw Grange Stadium – ARCHATON SHELLY (now PIPEYS DREAM), ARCHATON SILVER – Registered Sales Agent David Jordan

17 May 2016 – Towcester Stadium – QUIVERS MACCHU – Greyhound Trainer Jonathan Blencowe

19 May 2016 – Romford Stadium – ROUGH BRIAN – Professional Trainer Ernest Gaskin

7 June 2016 – Perry Barr Stadium – GLENBOWEN CONOR – Greyhound Trainer Ian Bradford

The trainers and sales agents concerned had been advised by the Director of Regulation that it was not necessary for them to attend the hearing, as its purpose was to consider the circumstances surrounding a number of positive samples, including the possibility of feed contamination. They had been given the option to attend if they wished.

Professor Tim Morris, independent scientific advisor, was in attendance.

Mark Bird, Director of Regulation, explained the background to these cases. Enquiries arising from previous cases had led the GRB to conclude that the reason why urine for sampled greyhounds had tested positive for the parent drug pentobarbital and/or its hydroxylated metabolites was that they had been fed contaminated meat. Following a scientific review and regulatory discussion the decision had therefore been taken to introduce a Recommended Limit of Detection. That was now in force, and since its introduction there had been no pentobarbital positives.

These 10 positive samples involving dogs in the charge of 6 trainers or sales agents were the remaining cases investigated before the Recommended Limit of Detection had been introduced. The GRB wanted these cases dealt with expeditiously and in such a way as to draw a line under the old system. It therefore advised the trainers/registered sales agents involved that although they were in breach of those rules of racing which impose strict liability, those trainers who could demonstrate that they only fed category 3 meat would have no finding of fault against them and would be subject to no further action. Those cases involving trainers who admitted feeding category 2 Animal By Products (meat) or where there was insufficient evidence as to what category of meat was being fed would be

sent a letter from the GRB warning them about their future conduct. It was on that basis that the GRB advised the trainers/sales agent that they need not attend this inquiry.

In his written evidence, Professor Morris advised the Disciplinary Committee that pentobarbital is available as a veterinary medicine as a concentrated solution for injection for euthanasia of animals. It is not available as a medical drug in the UK or Ireland but is available in other countries. It is a Controlled Drug in the UK and Ireland. Pentobarbital affects dogs as it does other animals and people, with increasing doses causing sedation, anaesthesia, and then death through respiratory and cardiac arrest. In Professor Morris's opinion pentobarbital as a depressant of the respiratory and nervous systems is a substance which by its nature could affect the performance of a greyhound or prejudice the welfare of a greyhound.

Professor Morris in his oral evidence explained the scientific basis for advising imposing a limit of detection. Pentobarbital is a substance which should never be present in a greyhound. The question for the GRB was how to control the situation regarding pentobarbital given the obvious risk it poses to dogs. It was hoped that the Official Controls in law relating to the use of Animal By Products could be used to regulate this situation. Both the GRB, and the IGB, have issued notices advising trainers only to feed category 3 meat to racing greyhounds in the expectation that that would avoid greyhounds testing positive. That did not prove to be the case, as findings continued even when feeding what was supplied as category 3 meat.

Professor Morris drew the Disciplinary Committee's attention to a table, annexed to his written statement, setting out the details of various dogs that had been tested. The first group concerned dogs which had regularly been fed contaminated meat supplied by a butcher in Newry (the Newry cases). Those tests showed the parent drug present at estimated concentrations of between 7.00ng/ml and 43ng/ml with a mean figure of 18ng/ml. Hydroxylated metabolites of pentobarbital were present at between 199.7 and 878.4 with a mean figure of 434.6. These concentrations were typical for dogs routinely fed contaminated meat.

By the time of the running of the Derby heats trainers had become aware of the risks of feeding category two meat and there was reliable intelligence that they had withdrawn such meat from their greyhounds' diet. Nonetheless, although the parent drug was absent from the greyhounds tested during the heats, the metabolites persisted, albeit at much lower levels measurable in tens rather than hundreds of ng per ml. It was noted that this hydroxylated metabolite of pentobarbital was not active in the dog.

Even by the third round heats the qualifiers were still testing positive for metabolites, albeit at low levels with a maximum concentration of 3.7ng/ml and a minimum of 1.40 with a mean figure of 2.44. The very sensitive testing methods used by LGC were picking up these very low levels of tissue retention.

Professor Morris next referred the Disciplinary Committee to a toxicological study carried out by the USA Food and Drug Administration Centre for Veterinary Medicine (CVM) into the risk from pentobarbital in dog food. Animals were dosed orally with 50, 150 or 500 micrograms of pentobarbital daily for eight weeks. Based on these tests the CVM established that the no-observable-effect level

i.e. the highest dose at which no effects of treatment were found, was 50 micrograms of pentobarbital a day.

The GRB considered whether in light of all the above it was reasonable to set a residue limit below which a dog which had tested positive would not be referred to the GRB and concluded that it was reasonable, provided firstly, that the parent drug was absent from the dog's system, and secondly, that the metabolites were at a concentration less than the limit which the GRB set following this scientific review and a regulatory discussion. Professor Morris was satisfied that such a procedure posed no threat to the integrity of racing or the welfare of the dog.

Professor Morris also stated that the safest way for trainers to obtain category 3 meat was to ensure the shortest supply chain such as to buy directly from the abattoir, but many trainers bought in good faith from other suppliers, who may themselves be part of a supply chain involving others. The evidence was clear that in some cases at some point in the chain meat sold as category 3 meat was, in fact, contaminated. This is a situation which requires official management and Mark Bird and Professor Morris have supplied information to the Food Crime Unit of the Food Standards Agency in this regard.

Against that background the Disciplinary Committee considered the individual cases before it:

Registered Sales Agent John Kennedy

On 9 May 2016 Mr Kennedy brought 4 greyhounds, AMAZING EVENT, ELUSIVE CHARLIE, TURBO MODEL, KILLAHAGAN ACT, to the sales trials at Pelaw Grange Stadium. One tested positive for the parent drug and all four tested positive for metabolites. The levels were consistent with contaminated meat having been fed routinely to these greyhounds.

A local inquiry was conducted by telephone. Mr Kennedy admitted that he regularly fed category 2 meat. He did not provide any receipts. He was not asked to, and did not, name his supplier. It was submitted on behalf of the GRB that this behaviour was reckless. The Disciplinary Committee wholly agreed with that submission. The Committee found Mr Kennedy in breach of rules 152(i), 174(i)(b) and 214 of the rules of racing.

Mark Bird, on behalf of GRB, proposed that a letter be written to Mr Kennedy warning him of the risks involved in his irresponsible behaviour.

The Disciplinary Committee considered its powers to impose penalties under the GBGB rules of racing. The least penalty it could impose was a caution. The Committee felt that such a penalty was appropriate in Mr Kennedy's case, but was mindful that he had not had the opportunity to address them regarding the correct level of penalty. In those circumstances the Disciplinary Committee ordered that Mr Kennedy be cautioned on or after 20 December 2016, unless before that date he informed the Director of Regulation that he wished to address the Committee, in which case the matter would be listed for hearing.

Professional Trainer Mr E Gaskin

On 19 May 2016 at Romford Stadium Mr Gaskin's greyhound ROUGH BRIAN tested positive for both the parent drug and metabolites.

Mr Gaskin stated that he only ever fed category 3 meat, provided receipts and named his supplier. The view of the GRB, with which the Disciplinary Committee agreed, was that he had done all that he reasonably could to discharge his duties as a trainer.

The Committee found Mr Gaskin in breach of rules 152(i), 174(1)(b) and 214 of the rules of racing and ordered that no further action be taken against him.

Registered Sales Agent Ross Myles

On 9 May 2016 Mr Myles brought one greyhound, QUOIN PRINCE to the sales trials at Pelaw Grange Stadium, which tested negative for the parent drug, but positive for metabolites at a level which was below the new Recommended Limit of Detection.

Although Mr Myles is a registered sales agent his role on this occasion was limited to transporting the greyhound to the sales. At the local inquiry, it emerged that the greyhound had been fed category 2 meat by its owner, but not by Mr Myles.

The Disciplinary Committee found Mr Myles in breach of rules 152(i), 174(1)(b) and 214 of the rules of racing and ordered that no further action be taken against him.

Registered Sales Agent Mr D Jordan

It is alleged that on 9 May 2016 Mr Jordan brought two greyhounds, ARCHATON SHELLY (now PIPEYS DREAM), and ARCHATON SILVER, to the sales trials at Pelaw Grange Stadium, which tested positive for the parent drug, and positive for metabolites at a level which was consistent with the routine feeding of contaminated meat, in line with the Newry cases.

Upon considering the papers, and in particular what was said at the local inquiry, it was plain to the Disciplinary Committee that there were factual differences between the case put by the GRB and Mr Jordan's response which could not be resolved without a full hearing, which Mr Jordan could attend if he so wished.

The Committee therefore ordered that this case be adjourned for a contested hearing, preferably before a different panel.

Greyhound Trainer Mr J Blencowe

On 17 May 2016 QUIVERS MACHU, a greyhound trained by Mr Blencowe was sampled at Towcester Stadium and tested positive for the parent drug and metabolites.

Mr Blencowe stated that he only ever fed category 3 meat, provided receipts and named his supplier. The view of the GRB, with which the Disciplinary Committee agreed, was that he had done all that he reasonably could to discharge his duties as a trainer.

The Committee found Mr Blencowe in breach of rules 152(i), 174(1)(b) and 214 of the rules of racing and ordered that no further action be taken against him.

Greyhound Trainer Mr I Bradford

On 7 June 2016 GLENBOWEN CONOR, a greyhound trained by Mr Bradford was sampled at Perry Barr Stadium and tested positive for the presence of pentobarbital metabolites.

Mr Bradford did not say what category of meat he fed his dogs, but that it was the best food available. He named his supplier at the time of the sample and said he had changed supplier since the positive test. He provided receipts from his new supplier, although these did not show what category of meat was being supplied. The view of the GRB, with which the Disciplinary Committee agreed, was that he had done all that he reasonably could to discharge his duties as a trainer.

The Committee found Mr Bradford in breach of rules 152(i), 174(1)(b) and 214 of the rules of racing and ordered that no further action be taken against him.

2. Brighton & Hove Stadium – TIMBERLEE LASS – Professional Trainer Miss N McEllistram

Professional Trainer Norah McEllistram was in attendance with Peter Miller, racing manager of Brighton & Hove Stadium, Paul Illingworth, senior stipendiary steward and Professor Tim Morris, independent scientific adviser.

On 25 June 2016, the greyhound TIMBERLEE LASS ran in a two-dog trial over 550m. A post race sample was taken which upon analysis tested positive for cimetidine.

The Disciplinary Committee heard evidence from Professor Tim Morris, independent scientific adviser, to the effect that cimetidine is available as a veterinary medicine and is available as an over-the-counter preparation. It has an action in dogs in reducing gastric acid production and is indicated for the systematic treatment of gastritis in dogs.

In order for there to be a breach of rule 174 (i)(a) or (b) there must have been administration (174 (i)(a)) or presence (174 (i)(b)) of a substance which could affect the performance of the greyhound or prejudice the welfare of the greyhound. Professor Morris was clear that cimetidine is not a substance which by its nature could affect the wellbeing of any greyhound – it would have no effect on a healthy greyhound and improve the wellbeing of a greyhound with gastritis. It would only be a substance that could affect the performance of a greyhound when given to a greyhound with gastritis, indirectly affecting its performance by relieving that condition.

Miss McEllistram gave clear and unequivocal evidence that this greyhound required no such treatment and was a greyhound which enjoyed very good health. The Disciplinary Committee found Miss McEllistram to be an honest witness who was doing her best to assist the Committee in circumstances when, in fact, she could provide no explanation for the presence of cimetidine in this greyhound. The Committee accepted her evidence as to the greyhound's health and accordingly found that cimetidine was not a substance which by its nature could affect the performance of the greyhound.

Accordingly, there was no breach of rules 174(i)(a) or (b) and rule 217. It follows that there was also no breach of rule 152 (i) and/or (ii).