

CALENDAR NOTICE (to be published 30 June 2017)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 13 June 2017:-

Dr AJ Higgins (in the chair)

Mr R Coughlan

Mr A Hunt

1. Hall Green Stadium – FERNEYS BOY / BE BOLD (now DINNER LARNACA) – Registered Sales Agent Mr G McCusker

Registered Sales Agent Gerry McCusker was found in breach of rules 152 (i) & (ii), 174 (i)(b), 214 and 217 of the GBGB Rules of Racing in that urine samples taken from the greyhounds FERNEYS BOY and BE BOLD (now registered as DINNER LARNACA, but referred to here by its former name) at Hall Green Stadium on 5 February 2017 were analysed by LGC Health Sciences as containing the presence of hydroxylated metabolites of pentobarbital and pentobarbital.

Mr McCusker was not in attendance. Robert Coulthard, Racing Manager of Hall Green Stadium, apologised for his absence. Professor Tim Morris, Independent Scientific Adviser and Paula Clare, Area Stipendiary Steward, were in attendance.

The Committee was told that on 31 March 2017 Mrs Clare had posted to Mr McCusker the Local Inquiry Q&A forms relating to the positive analyses. Royal Mail had provided evidence that this letter had been received and signed for by R. McCusker on 1 April 2017. A letter from Mr McCusker had been received on 24 May 2017 and the Director of Regulation had replied on 25 May 2017 strongly suggesting Mr McCusker complete and return the Local Inquiry forms and pointing out that under the Rules of Racing a registered Sales Agent is accountable for the care and control of any greyhound brought for sale in UK. He suggested that Mr McCusker include details of the then owners of the two greyhounds in question along with their feeding regimes. Royal Mail had provided evidence that this letter had been received and signed for by G. McCusker on 26 May 2017. No response had been received.

The Director of Regulation confirmed that there were no admissions. The Committee found that Mr McCusker had had plenty of opportunity to respond to the alleged breaches and decided to proceed with the Inquiry in his absence.

The case related to two greyhounds presented on the same day, 5 February 2017, at Irish Dog Sales at Hall Green Stadium. Both had tested positive for hydroxylated metabolites of pentobarbital and pentobarbital. In his letter received by GBGB on 24 May 2017, Mr McCusker said that his son Ronan took a van load of dogs to the Sales but Mr McCusker (Senior) did not attend. He wrote that his son collected FERNEYS BOY and BE BOLD from their owners and that from collection to racecourse the dogs had nothing to eat. He claimed that it was unfair to be arraigned as the sales agent as he felt he could not be held responsible for other owners' dogs. In his reply of 25 May, the Director of Regulation had made quite clear the responsibilities of a sales agent.

Professor Morris gave evidence that pentobarbital is used as a concentrated solution for euthanasia of animals and is a controlled drug in the UK. It causes sedation, anaesthesia and death by cardiac arrest. If meat from an animal euthanased using pentobarbital is fed to dogs there is a realistic risk of adverse effects. As such it was the opinion of Professor Morris that as a depressant of the nervous and respiratory systems, pentobarbital is a substance which by its nature could affect the performance of a greyhound or prejudice its welfare. He advised that in view of the persistence of pentobarbital metabolites in tissues, a residue limit had been introduced by GBGB for the hydroxylated metabolites of pentobarbital. This limit had been exceeded in both FERNEYS BOY and BE BOLD; moreover, the parent drug, pentobarbital, had been detected in both dogs suggesting that the drug had entered the dogs within a few days of sampling. Although the actual source was unknown, it was the opinion of Professor Morris that, in view of tight controls and limited availability of the drug, the most likely source of the hydroxylated metabolites of pentobarbital and pentobarbital in the urine of the two greyhounds was from the feeding of meat contaminated with pentobarbital residues.

The Committee regretted that Mr McCusker had not attended the Inquiry as they would have wished to pursue details of the case with him. The Committee was most concerned that Mr McCusker did not complete the Local Inquiry forms as requested, nor did he provide the information requested by the Director of Regulation in his letter of 25 May. The only defence provided by Mr McCusker was his letter to GBGB stamped as received on 24 May. The Committee rejected Mr McCusker's claim that he cannot be held responsible, as the Rules of Racing make clear that a registered Sales Agent is accountable for the care and control of any greyhound brought for sale in UK. No explanation or mitigation had been offered.

The Committee accepted the scientific evidence and concluded that the most likely source of the pentobarbital and its hydroxylated metabolites was contaminated meat most probably fed within 48 hours of sampling.

Some of the GBGB Rules of Racing impose strict liability on the trainer or registered sales agent. In all the circumstances of the case, the Disciplinary Committee ordered that Mr McCusker be severely reprimanded and fined £350 for each positive case amounting to £700 in total.

2. Hall Green Stadium – MARSTON POACHER – Professional Trainer Mr R Baker

Professional Trainer Richard Baker was found in breach of rules 152 (i) & (ii), 174 (i)(b), 216 and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound MARSTON POACHER at Hall Green Stadium on 21 December 2016 was analysed by LGC Health Sciences as containing the presence of a hydroxylated metabolite of phenylbutazone.

In a letter received on 6 June 2017, Mr Baker stated that he would not attend the hearing due to work commitments but that he admitted the breaches. Robert Coulthard, Racing Manager of Hall Green Stadium, apologised for his absence. Professor Tim Morris, Independent Scientific Adviser and Paula Clare, Area Stipendiary Steward, were in attendance.

Despite the admission, the Director of Regulation stated that he wished to proceed to a hearing and this was agreed.

MARSTON POACHER had finished 4th in a A7 race at Hall Green on 21 December 2016. A pre-race urine sample had tested positive to a hydroxylated metabolite of phenylbutazone. At the Local Inquiry held on 11 March 2017, Mr Baker admitted he had given a small packet of 'Bute' (containing the parent drug, phenylbutazone) to MARSTON POACHER's kennelmate (PATTERDALE OZZIE) over five days between 19 and 23 December 2016. He stated that PATTERDALE OZZIE may have vomited and the vomitus subsequently eaten by MARSTON POACHER. He attested that he had acquired phenylbutazone originally for a brood bitch with a broken hock. Also at the Local Inquiry, Mr Baker had signed that his treatment book was up to date.

In a written submission, Mr Baker wrote that following a trial at Hall Green on 19 December 2016, PATTERDALE OZZIE was slightly lame in the off-hind and he had administered phenylbutazone for pain relief. He restated that MARSTON POACHER must have eaten contaminated vomitus containing phenylbutazone or licked a feed bowl containing phenylbutazone destined for PATTERDALE OZZIE. Mr Baker claimed that this type of incident was beyond his control. He had provided Mrs Clare with samples of the packets of 'Bute' and photographs of these were produced in evidence and shown to be Equipalazone 1 g oral powder phenylbutazone, a prescription only medicine (POM) licenced for use in horses and ponies.

The Director of Regulation drew attention to Mr Baker's Treatment Book and stated that there were no entries for MARSTON POACHER but there was an entry for PATTERDALE OZZIE referring to the administration on 15 November 2016 of a product known as Strinacin (an antimicrobial drug that does not contain phenylbutazone) for 'kennel sickness'.

Professor Morris gave evidence that phenylbutazone is a non-steroidal anti-inflammatory drug and its hydroxylated metabolite, hydroxyphenylbutazone is pharmacologically active. Phenylbutazone can cause gastrointestinal ulceration, bleeding and kidney damage. It is a prescription only veterinary medicine for dogs and horses. It was his opinion that phenylbutazone and hydroxyphenylbutazone are substances which by their nature could affect the performance and/or well-being of a greyhound. He noted that phenylbutazone tablets may be prescribed by a veterinary surgeon for use in dogs but a horse preparation may not be prescribed. In his opinion, there were more modern non-steroidal anti-inflammatory drugs available for use in dogs. Phenylbutazone was a drug requiring careful dosing and not one to be used lightly. Hydroxyphenylbutazone would be present in the urine for at least 48 hours after exposure of a greyhound to phenylbutazone. In the opinion of Professor Morris, it was not possible from the scientific evidence to determine whether the source of hydroxyphenylbutazone in the urine of MARSTON POACHER arose from the ingestion of vomitus containing phenylbutazone powder or followed from direct administration of the drug.

The Committee was concerned that Mr Baker had not appeared before them as it would have been helpful to pursue with him the source of the phenylbutazone that gave rise to the positive finding. The Committee dismissed Mr Baker's statement that the incident was beyond his control and found that the matter was totally within his control. The Committee considered the scientific evidence that phenylbutazone is a POM, is tightly regulated and should not be used lightly. Further, they noted

that a specific dog preparation of phenylbutazone is available for use in greyhounds under veterinary supervision and that it is not permissible to use the equine product in dogs, as Mr Baker admitted he had done.

The Committee was unable to establish whether the events outlined by Mr Baker in that MARSTON POACHER may have eaten the vomitus of kennel mate PATTERDALE OZZIE, a dog that Mr Baker said he had treated with an equine preparation of phenylbutazone, or that MARSTON POACHER had licked the contaminated feedbowl of the treated dog, were correct and might explain the presence of hydroxyphenylbutazone in the urine sample. On the other hand, it was possible that phenylbutazone had been given to MARSTON POACHER deliberately to affect performance.

Mr Baker admitted that he administered a prescription only medicine labelled specifically for use in horses and ponies (not dogs) to two greyhounds in his care but there was no supporting veterinary evidence nor any entry in his Treatment Book. This appears to be a prima facie breach of the Veterinary Medicines Regulations (2013).

The Committee takes a very serious view of breaches of the Veterinary Medicines Regulations, non-compliance with rules relating to the recording of treatments in the Treatment Book and unauthorised use of Prescription Only Medicines. In all the circumstances of the case, the Disciplinary Committee ordered that Mr Baker be disqualified for 6 months, suspended for 12 months, and fined £1,200.

3. Monmore Green Stadium – SHANGHAI CHLOE – Professional Trainer Mr P White

Professional Trainer Paul White was found in breach of rules 152 (i), 174 (i)(b), 214 and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound SHANGHAI CHLOE at Monmore Green Stadium on 20 January 2017 was analysed by LGC Health Sciences as containing the presence of a hydroxylated metabolite of phenylbutazone.

Mr White was in attendance, accompanied by his son Jordan White. Richard Brankley, authorised representative and Tony Williamson, Racing Manager of Monmore Green Stadium, apologised for their absence. Professor Tim Morris, Independent Scientific Adviser and Paula Clare, Area Stipendiary Steward, were in attendance.

The Director of Regulation said the case related to the positive analysis of a pre-race urine sample collected at Monmore Green on 20 January 2017 that was shown to contain the presence of a hydroxylated metabolite of phenylbutazone. At the Local Inquiry on 6 March 2017, Mr White had admitted feeding Category 2 meat and that despite assurances of the supplier he believed this to be the source of the hydroxyphenylbutazone. He had stated at the Local Inquiry that he no longer fed meat to his racing greyhounds.

The Committee received receipts showing purchase by Mr White of Category 2 meat from F. Redfern and Sons dated from 8 February 2016 to 16 February 2017. The Director of Regulation said that he accepted Mr White's admission that the meat was the likely source of the hydroxyphenylbutazone in the urine of SHANGHAI CHLOE.

Professor Morris gave evidence that the parent drug, phenylbutazone, can cause gastro-intestinal ulceration, bleeding and kidney damage, and that the hydroxylated metabolite was also active pharmacologically. Both substances could by their nature affect the performance of the greyhound and/or affect its welfare. He added that there was no record of treatment with phenylbutazone in any dog in the kennel but noted that GBGB advised trainers not to feed Category 2 meat as it may contain drug residues. Phenylbutazone is a drug commonly used to treat horses and Category 2 meat could be a source of hydroxyphenylbutazone.

Mr White said he had trusted the supplier and the comments of other trainers who used the supplier that it would be safe to feed this Category 2 meat. He admitted he was fully aware of the GBGB advice about feeding Category 2 meat and confirmed that he no longer fed meat to any of his racing greyhounds. His son gave evidence that he had taken over administrative responsibility at the kennels and would ensure full future compliance with the Rules of Racing for the kennels.

The Committee found Mr White to be a truthful and credible witness who acknowledged that he had not followed GBGB's widely publicised advice not to feed Category 2 meat, and accepted that this was not to be condoned. Nevertheless, the Committee could not ignore that phenylbutazone can cause toxic side-effects in dogs and may affect the performance and/or well-being of a greyhound. The Committee did not conclude that Mr White had administered phenylbutazone deliberately to affect the performance of SHANGHAI CHLOE and accepted his explanation as to the likely source of the drug. They commended the efforts he said he had made to ensure this could not happen again and appreciated his candour. The positive comments of the Area Stipendiary Steward were also noted.

Some of the GBGB Rules of Racing impose strict liability on the trainer or registered sales agent. In all the circumstances of the case, the Disciplinary Committee ordered that Mr White be cautioned and fined £200.