

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 29 October 2015

SUBJECT: **HEARING RESULT – TRAINER: ARCHIE ALEXANDER**

Panel Judge John Bowman (Chair), Mr Chris Fox & Dr June Smith.

Appearances Mr Tim Johnson appeared on behalf of Mr Alexander.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 178

Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

The particulars of the charge being that a prohibited substance, ibuprofen, was detected in a post-race urine sample taken from the horse Red Shift following its win in Race 8 the *Racing.com Showcase BM70 Handicap* over 2200m at Pakenham on 23 July 2015.

Plea Guilty.

Decision Mr Alexander convicted and fined \$500 – due on or before 12 November 2015.

Pursuant to AR 177, *Red Shift* disqualified as winner of Race 8 the *Racing.com Showcase BM70 Handicap* over 2200m at Pakenham on 23 July 2015 and the places amended accordingly.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR C. FOX
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE RACING.COM SHOWCASE BM70
AT PAKENHAM OVER 2200 METRES ON 23/7/15**

TRAINER: ARCHIE ALEXANDER

MELBOURNE

THURSDAY, 29 OCTOBER 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR T. JOHNSON appeared on behalf of Mr A. Alexander

CHAIRMAN: Mr Archie Alexander, you have pleaded guilty to a charge pursuant to Rule 178 when you brought the horse Red Shift to Pakenham racecourse on 23 July 2015 to compete in the racing.com Showcase BM70 Handicap. It had in its system a prohibited substance, ibuprofen, which was detected in the sample taken from it following the running of the race which it won.

Firstly, the horse is disqualified and we order that the placings be amended accordingly. We appreciate that this is a penalty in itself. Doubtless there are disappointed owners and of course there is the financial penalty already paid by you.

Other matters that we have taken into account are that you have cooperated fully with the Stewards from the outset and you pleaded guilty to this charge. Next, you have an unblemished record which is something clearly in your favour. Further, you have organised legal representation today. This is an indication of how seriously you have treated this matter.

We also appreciate that the horse has not been able to race since. You have effectively put him in quarantine. You have carried out four elective tests and still ibuprofen is in the horse's system, so you have been very careful indeed since the positive return. We also bear in mind the point made by Mr Johnson concerning the damage to your reputation and that is certainly a further penalty.

This is a highly unusual case. You did not administer ibuprofen to this horse or to any other horse in your stables. The ibuprofen was administered in large doses at a spelling farm from which the horse returned some four months before the positive swab happened. That the substance should remain in the horse's system so long and continued to remain there indicates just how unpredictable the substance, ibuprofen, is.

The proprietor of the spelling farm had sent to you a text message when the horse was returning, which message included the word "ibuprofen". Perhaps this should have alerted you and an elective test may have been a wise move. We can also understand the substance remaining in the horse's system for so long could hardly have been anticipated.

Strict liability applies. Trainers must be aware that they have a responsibility for ensuring that horses which are presented for racing are free of prohibited substances irrespective of the circumstances of administration. You are convicted. In the circumstances, we believe a fine is appropriate. However, the Board considers this case very much at the low end of culpability and has therefore determined to impose a fine of \$500. This fine shall be paid within 14 days of this date.
