

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 30 April 2015

SUBJECT: **HEARING RESULT – TRAINER: COLIN LITTLE**

Panel Judge Russell Lewis (Chair), Mr Jeremy Rosenthal, Dr June Smith.

Appearances Mr Peter Jurkovsky appeared on behalf of Mr Little.
Mr James Ogilvy appeared on behalf of the stewards.

Charge 1 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.’

Charge 2 Breach of AR 178F(1)

‘A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given...’

Charge 1 relates to a prohibited substance, being Ibuprofen, which was detected in a post-race urine sample taken from the horse *Phantom Brew* after its win in Race 1 the *Montague Jazz Apple Plate* (1800m) at Caulfield on Saturday, 14 February 2015.

Plea Charge 1 – guilty.
Charge 2 – guilty.

Decision Charge 1 – Mr Little convicted and fined \$1,500.
Charge 2 – Mr Little convicted and fined \$250.

A total of \$1,750 due on or before 31 May 2015.

Pursuant to AR 177 *Phantom Brew* disqualified as winner of Race 1 the *Montague Jazz Apple Plate* (1800m) at Caulfield on Saturday, 14 February 2015 and the places amended accordingly.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. ROSENTHAL
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE MONTAGUE JAZZ APPLE PLATE
OVER 1800 METRES AT CAULFIELD ON 14/2/15**

TRAINER: COLIN LITTLE

MELBOURNE

THURSDAY, 30 APRIL 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. JURKOVSKY appeared on behalf of Mr C. Little

CHAIRMAN: Mr Colin Little has pleaded guilty to a charge laid under Australian Rule 178 which in essence alleges that a prohibited substance, ibuprofen, was detected in a post-race urine sample taken from a horse trained by him, namely Phantom Brew, on 14 February 2015.

He has also pleaded guilty to a charge laid under Australian Rule 178F, in that he failed to keep accurate daily records in relation to the treatment of the horse which in this case was administration of a product known as Tendon Guard Prevention which contained ibuprofen.

Phantom Brew had been troubled with tendon issues for more than a year and had been treated regularly with Tendon Guard. The product came in paste form in a 60-gram syringe and, consistent with the instructions on the label, the horse was administered 30 grams twice daily. According to Mr Little's foreman, Matthew Lindsay, the horse was given Tendon Guard between 20 January 2015, ceasing on 2 February 2015.

According to Mr Little, the administration ceased on 2 February because the horse was due to race on 14 February. Mr Little was well aware of the uncertainty in relation to a safe withdrawal period and he relied on the advice of Dr Daffy, a specialist physician. The Board is aware that Dr Daffy is an expert in human infectious diseases and is connected with Trackside Technologies which markets Tendon Guard Prevention.

Mr Little informed the Stewards (see page 3 of his interview) that he was assured by Dr Daffy that a safe withdrawal period was nine to 10 days. On the other hand, the email of 4 August 2014 from Dr Daffy to Mr Little stated that:

We think eight days is very safe for withdrawal of the paste.

Dr Brian Stewart, a highly qualified veterinarian employed by Racing Victoria, has provided a comprehensive statement in relation to ibuprofen. It appears that there is insufficient evidence from the limited number of studies and trials to form a conclusive opinion as to the withholding time for the substance. The reason for the lack of this vital information is due to the fact that the drug is not registered for use in racehorses and therefore no administration trials which may have provided reliable detection time data have been conducted by approved equine research bodies. Perhaps ominously, Dr Stewart said in his statement at paragraph 25:

Therefore, any recommended withdrawal period provided to a trainer can only be regarded as the adviser's best guess.

Dr Stewart went on to offer his opinion as to how the positive sample may have occurred.

It would therefore seem that the administration of ibuprofen is fraught. On his own admission, Mr Little was aware of the risk and nevertheless relied on Dr Daffy's opinion. That said, the onus is on the trainer to present the horse at

the races drug-free. There is no evidence before the Board of any deliberate intent to breach AR 178 and to obtain an unfair advantage.

The Board takes into account Mr Little's plea of guilty and his unblemished record. The Board records his culpability for breach of this offence as being in the lower registers of penalty. Accordingly, the Board is of the opinion that the appropriate penalty is a fine of \$1500.

In relation to Charge 2, it is an ongoing concern to the Board that trainers are not keeping accurate and current records of treatment. That said, in this case the record of treatment was incomplete rather than absent. In the circumstances, Mr Little is fined \$250 for this offence. A total of \$1750 is to be paid on or before 31 May 2015.

Pursuant to Australian Rule 177, the horse must be and is disqualified.
