



INQUIRY INTO THE ANALYSTS FINDING OF TRENDIONE, TRENBOLONE AND EPITRENBOLONE IN THE PRE-RACE URINE SAMPLE TAKEN FROM HORSE DREAMER PRIOR TO BEING PRESENTED TO RACE AT TAREE ON 11 JANUARY 2021.

Racing NSW Offices
Druitt Street
Sydney
(By Video Conference)

25 June 2021

Stewards: M F Van Gestel (Chairman)
S G Railton
J Penfold

Racing NSW Stewards today conducted an inquiry into the analysts finding of trendione, trenbolone and epitrenbolone being detected in a urine sample taken from Horse Dreamer prior to being presented to race at the Taree race meeting on 11 January 2021.

Evidence today was taken from Mr Noel Boland, trainer of Horse Dreamer, Mrs Margaret Boland, Racing NSW Investigator Mr D Hadley, Racing NSW General Manager Veterinary Services Dr T Koenig and ARFL Science Manager Dr A Cawley.

General

The evidence established the following.

1. In June 2018 Racing NSW provided notification to the racing industry that injectable altrenogest products should not be administered to thoroughbreds following trendione, epitrenbolone and trenbolone being found at low levels due to impurities being present in altrenogest products. In conjunction with the introduction of NSW LR44A, Racing NSW advised that oral altrenogest products could be used but not within one clear day of racing. Several notifications subsequent to this advice in June 2018 were released by Racing NSW reminding participants of this notification. Mr & Mrs Boland advised they were not aware of warnings provided by Racing NSW in respect to the use of oral altrenogest products within one clear day of racing.
2. During a stable inspection conducted by Stewards and Investigators on 20 February 2021, Stewards took possession of a bottle of Ovumate Oral Progestagen for horses supplied to Mr Boland by his veterinarian Dr S Ranadive. The Ovumate was not labelled however Mrs Boland advised she was verbally told by Dr Ranadive to administer 9ml daily to Horse Dreamer.
3. Whilst the stable treatment records indicated that Horse Dreamer was administered Ovumate on race day, Mrs Boland advised such administration took place after returning from the race meeting. There was no time recorded in the treatment records. The treatment records established Horse Dreamer was administered Ovumate on 10 January 2021 within the one clear day of racing in contravention of the advice published by Racing NSW.
4. The Stewards did not consider it appropriate to exercise the discretion under NSW LR44A in respect of this matter, as the analysis by the ARFL confirmed the presence of trendione in the urine sample provided by Horse Dreamer to be above 1ug/l set by

NSW LR44A and, as set out above, the substance was administered within one clear day of racing.

Charges

Stewards gave careful consideration to which of the prohibited substance Rules of Racing should be applied and considered that, given the circumstances of the matter and having regard to the veterinary and scientific evidence, AR240(2) was the Rule of Racing that most appropriately reflected the relevant conduct.

Mr Noel Boland

Mr Boland was charged with the following offence.

- 1. Charge 1 - AR240(2)** – Presented Horse Dreamer to race at the Taree racecourse on 11 January 2021 and a post-race urine sample was found to contain the prohibited substance trendione, trenbolone and epitrenbolone.
Plea: Guilty
- 2. Charge 2 - AR252(1)** – Had in his possession Ovumate for horses that had not been prescribed and dispensed in accordance with the Poisons and Therapeutic Goods Regulation 2008, in that it was not labelled. .
Plea: Guilty
- 3. Charge 3 - AR104** – Failing to keep treatment records for the time of administration of Ovumate for horses the leading up to Horse Dreamer being presented to race at Taree on 11 January 2021.
Plea: Guilty

Penalty

Stewards considered the following matters in respect to penalty for Mr Boland.

1. Notifications issued by Racing NSW in respect to the use of altrenogest products and Mr Boland failing to make himself aware of such warnings.
2. The nature of the substance detected, being listed on prohibited substance List A.
3. Failure to keep proper treatment records.
4. Guilty plea.
5. Personal and professional circumstances.
6. Two prior positive swab offences over 42 years of training.
7. General disciplinary record.
8. Principles applied by Stewards when issuing penalties.
9. Precedent penalties.

Charge 1 AR240(2) - Stewards determined the starting point for the offence under AR240(2) was a period of 6 months suspension of Mr Boland's trainer licence, with the penalty being reduced to 4 1/2 months having regard to a 25% reduction for his early guilty plea. Acting under the provisions of AR283(7) Mr Boland was provided with 7 days to care for horses in his care but is not permitted to start a horse in a race during this period. The period of suspension will expire on 8 November 2021.

Charge 2 – AR252(1) - \$750 fine

Charge 3 – AR104 - \$750 fine

Total penalty being a period of 4 1/2 months suspension and \$1500 in fines.

Relevant Rules

AR 240 Prohibited substance in sample taken from horse at race meeting.

- (1) *Subject to subrule (3), if a horse is brought to a racecourse and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the horse must be disqualified from any race in which it started on that day.*
- (2) *Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

AR 252 Possession of medication/substance/preparation in breach of legislation

- (1) *A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.*

AR 104 Trainers must keep treatment records

- (1) *A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.*
- (2) *For the purpose of subrule (1), each record of administration must include the following information:*
 - (a) *the name of the horse;*
 - (b) *the date and time of administration of the treatment or medication;*
 - (c) *the name of the treatment or medication administered (brand name or active constituent);*
 - (d) *the route of administration including by injection, stomach tube, paste, topical application or inhalation;*
 - (e) *the amount of medication given (if applicable);*
 - (f) *the duration of treatment (if applicable);*
 - (g) *the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.*

**M F Van Gestel
Chairman of Stewards
General Manager-Integrity**