

### STEWARDS INQUIRY DECISION

<b>Date of Decision:</b>	27 August 2020
<b>Stewards Panel:</b>	S Quill (Chairman), T North, B Plunkett
<b>Name:</b>	Mark Ganderton
<b>Track/Race:</b>	Tasmanian Turf Club – Race 5 Ladbrokes Class 3 Hcp 1200m
<b>Date:</b>	28 March 2020
<b>Rule no:</b>	AR240(2), AR104(1)
<b>Charge(s):</b>	Brought horse (Fighting Phoenix) to a racecourse for the purpose of participating in a race and a prohibited substance was detected in the sample prior to it running in a race – failure to properly maintain treatment records.
<b>Prohibited Substance:</b>	Phenylbutazone, Oxyphenbutazone, Gamma-hydroxyphenylbutazone
<b>Inquiry Decision:</b>	AR240(2) Disqualification 9 months – AR104(1) \$200

#### FACTS:

A post-race urine sample taken from Fighting Phoenix subsequent to it finishing first in Race 5 at the Tasmanian Turf Club meeting 28 March 2020 upon analysis was found to contain Phenylbutazone, Oxyphenbutazone and Gamma-hydroxyphenylbutazone

#### INQUIRY:

Stewards inquired into the presence of Phenylbutazone, Oxyphenbutazone and Gamma-hydroxyphenylbutazone in a post-race urine sample taken from Fighting Phoenix.

A certificate was firstly issued by Racing Analytical Services Limited (RASL) and was subsequently confirmed by The Australian Racing Forensic Laboratory (AFRL). Stewards considered evidence tendered by trainer Mark Ganderton who was assisted by Daniel Ganderton and in particular the positive swab being a result of cross contamination from another horse being under treatment of Phenylbutazone, RASL representative Paul Zahra and the Office of Racing Integrity regulatory veterinarian Dr Adam Richardson.

Stewards also considered evidence obtained at a stable inspection conducted on 5 May 2020.

Subsequently Mr Ganderton pleaded guilty of a charge under AR240(2) in that he presented Fighting Phoenix to race at the Tasmanian Turf Club meeting on 28 March 2020 for the purpose of competing in Race 5 Ladbrokes Class 3 Hcp 1200m where a post-race urine sample taken from the mare following it finishing first upon analysis was found to contain Phenylbutazone, Oxyphenbutazone and Gamma-hydroxyphenylbutazone.

Further it was established that Mr Ganderton had failed to maintain accurate treatment records in relation to the horse Jurisdiction. Mr Ganderton was fined \$200

#### DECISION:

In determination of penalty, Stewards took into account the following considerations:

#### Charge 1 AR240(1)- ***Prohibited substance in sample taken from horse at race meeting***

- His guilty plea
- Time involved within the industry, (over 25 years)
- The therapeutic nature of the substance detected
- The high level of prohibited substance detected in the sample
- The short time frame between his positive swab offences (14 runners)

- His record regarding prohibited substances (which includes 2 disqualifications and 1 fine for presenting runners with prohibited substances and 1 disqualification for administering a prohibited substance)
- His personal and financial circumstances
- His stable practices and husbandry regarding the use of treatments
- The importance of having races run free of prohibited substances and the negative impact such cases have on the racing industry
- Any penalty applied to act as a general and specific deterrent
- Onus is on the trainer to present horses free of prohibited substances

Having regards to the circumstances of the case, Stewards could not be comfortably satisfied that cross contamination was the sole reason for Fighting Phoenix being presented with a prohibited substance.

Mr Ganderton had his license disqualified for a period of 9 months to commence immediately and expire midnight 26 May 2021.

Mr Ganderton was advised of his rights of appeal.

Acting under the provisions of AR240(1) Fighting Phoenix will be disqualified from its first placing and the placings will be amended accordingly.