

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 14 July 2015

SUBJECT: **HEARING RESULT – TRAINER: BRIAN JENKINS**

Heard By Judge Russell Lewis (Chair).

Appearances Mr Jenkins appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Two breaches of AR 178E(1)

Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.

The particulars of the charge are that on 25 June 2015 Mr Jenkins administered or caused to be administered a medication, being Vicks VapoRub, to the horses *Crown Halo* and *Seguro* which were engaged to run in Race 4 and Race 6 respectively at Racing.com Park Synthetic that day.

Plea Guilty – both charges.

Decision **Charge 1** - Mr Jenkins convicted and fined \$1,000 and his licence suspended for a period of 1 month. This suspension is wholly suspended for a period of 12 months on the condition that Mr Jenkins does not commit a similar offence in the next 12 months.

Charge 2 – Mr Jenkins convicted and fined \$1,000 and his licence suspended for a period of 1 month. This suspension is wholly suspended for a period of 12 months on the condition that Mr Jenkins does not commit a similar offence in the next 12 months.

The penalties for charges 1 and 2 to be served concurrently.

The fine of \$1,000 is due on or before 31 August 2015.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: BRIAN JENKINS

MELBOURNE

TUESDAY, 14 JULY 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR B. JENKINS appeared on his own behalf

CHAIRMAN: Mr Brian Jenkins has pleaded guilty to two charges laid under Australian Rule 178E(1). That rule is in the following terms insofar as is relevant:

Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.

Each breach of the rule carries with it a mandatory minimum disqualification of six months unless a special circumstance exists. An early plea of guilty constitutes a special circumstance. In this case, Mr Jenkins has made an early plea in relation to each charge.

The facts are simple. On race morning, Stewards visited Mr Jenkins' stable and discovered that two of his horses which were to race that day, namely Crown Halo and Seguro, had been treated with Vicks VapoRub which had been applied to their nostrils. Vicks contains the active ingredients camphor and menthol which are prohibited substances. Camphor is an analgesic and may also act directly or indirectly on the cardiovascular, nervous and musculoskeletal systems. Menthol is an analgesic and antitussive and it also may act directly or indirectly on the respiratory system as well as the other systems referable to camphor. Vicks VapoRub is a well-known commercial product used by humans, inter alia to ease nasal congestion.

Mr Jenkins freely admitted to the Stewards that Vicks had been applied to the horses because horses in his stable were exhibiting signs of nasal discharge, in particular, mucus. Rather than dose them with antibiotics and other methods, he was of the opinion that a little Vicks rubbed into the nostrils was an effective form of treatment. It is noteworthy that both horses had been lightly worked that morning and that the Vicks had been applied before they had worked.

The Stewards, as does the Board, have accepted that there was no sinister reason lying behind the application of Vicks to the horses. Apart from his early pleas of guilty to the charges, the Board takes into account Mr Jenkins' cooperation with the Stewards and the absence of any recent relevant prior breaches of the rules. Nevertheless, racing authorities regard medicating a horse on race day as a very serious offence, evidenced by the mandatory minimum penalty of six months' disqualification.

In this case, notwithstanding the discounts to which Mr Jenkins is entitled to receive, the Board is of the opinion that a period of suspension, wholly suspended, and a monetary penalty are appropriate in relation to each charge.

On Charge 1, Mr Jenkins is fined the sum of \$1000 and is suspended for a period of one month. The Board orders that that period of one month is itself suspended, the period of operation of the order being 12 months. That means that should Mr Jenkins commit a similar offence in the next 12 months, the period of one month which has been suspended will be revived.

In relation to Charge 2, a similar penalty applies. Both charges arise out of a similar set of circumstances and the board orders that both the penalties in relation to Charge 1 and Charge 2 be served concurrently. So in the final analysis, Mr Jenkins is fined a total sum of \$1000 and is suspended for one month, which in turn is wholly suspended for the period of the operation, being 12 months. Mr Jenkins is to pay the fine of \$1000 on or before 31 July 2015.

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