8 July 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ASHLEY WARTON**

**Date of hearing:** 30 June 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Ashley Warton represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 190(1) states:

A horse shall be presented for a race free of prohibited substances.

**Particulars of charge:** 1. You were, at all relevant times, the trainer of the horse ‘Modern Bliss’;

 2. On 6 December 2020, you presented ‘Modern Bliss to race at the Cranbourne harness racing meeting in Race 8, the ‘Hyland Harness Colours Pace’;

 3. After this race, a blood sample was collected from ‘Modern Bliss’ with subsequent analysis of that sample revealing it to contain the prohibited substance flunixin;

 4. As the trainer of ‘Modern Bliss’ on 6 December 2020, you presented that horse to race at the Cranbourne harness racing meeting not free of flunixin, a prohibited substance.

**Plea:** Guilty

**DECISION**

Mr Ashley Warton, you have pleaded guilty to breaching Australasian Harness Rule 190(1). On 6 December 2020 you presented your horse Modern Bliss in race 8 at the Cranbourne harness race meeting when it was not free of a prohibited substance, namely Flunixin.

Flunixin is a non-steroidal anti-inflammatory drug.

On Tuesday, 5 January 2021, you were interviewed by the Stewards. You provided to Stewards an explanation as to why your horse had tested positive. You stated that after Modern Bliss raced on 19 November 2020 it had pulled up swollen in the near foreleg. A few days later it was administered Flunixin by your veterinary surgeon, which remedied the condition. Subsequently, you purchased Flunixin online. You were given general instructions by the online provider on the dosage to be given, being 10 ml within five clear days prior to racing. On 1 December 2020, you administered 10 ml of Flunixin intravenously this being five days prior to the race at Cranbourne on 6 December 2020.

In our opinion, you were unwise to rely upon general instructions from an online provider and not your own veterinarian surgeon, or some other veterinary surgeon, who was aware of all the facts. We note also that you did not intravenously inject your horse within five clear days of the race.

You are 32 years of age and have been registered in the harness racing industry since 2005. You have an excellent record and this is your first offence for such a charge. We have taken into account your plea of guilty, your cooperation with the Stewards, your history within the harness racing industry and your personal circumstances.

Principles of general deterrence and to a lesser extent specific deterrence have a part to play in arriving at an appropriate penalty.

It is vital that harness racing is conducted on a level playing field without the presence of prohibited substances. The use of anti-inflammatory drugs in a race is detrimental to the safety and welfare of both driver and horse. If such drug masks an injury it is a risk to the horse and other drivers and horses during a race.

In all the circumstances, we impose a penalty of $4,000 with $1,000 of that fine to be suspended for a period of 12 months.

We order that Modern Bliss be disqualified from race 8 at the Cranbourne harness race meeting held on 6 December 2020 and that the finishing order be amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal