

7 March 2024

DECISION

GREYHOUND RACING VICTORIA

and

GREG JOHNSON

- Date of hearing:** 5 March 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Heidi Keighran.
- Appearances:** Mr Timothy Brook appeared on behalf of the Stewards.
Mr Greg Johnson represented himself.
- Charge:** Greyhounds Australasia Rule ("GAR") 141(1) states:
(1) The owner, trainer or other person in charge of a greyhound:
(a) nominated to compete in an Event;
(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or
(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,
must present the greyhound free of any prohibited substance.
- GAR 142(1) states:
(1) An offence is committed if a person:
(a) administers, attempts to administer or causes to be administered a prohibited substance to a greyhound;
(b) aids, abets, counsels or procures the administration of or an attempt to administer a prohibited substance to a greyhound;
or
(c) has prior knowledge of a prohibited substance being administered or attempted to be administered to a greyhound, which is established in any sample taken from a greyhound presented for an Event or when subject to any other contingency pursuant to the Rules.

Particulars:

Charge 1: GAR 141(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound "Trip Me Up".
3. Trip Me Up was nominated to compete in Race 3, SPORTSBET HT1, Mixed 6/7 Heat, conducted by the Healesville Greyhound Racing Association at Healesville on 3 April 2023 (the Event).
4. On 3 April 2023, you presented Trip Me Up at the Event not free of any prohibited substance, given that:
 - (a) A pre-race sample of urine was taken from Trip Me Up at the Event (the Sample);
 - (b) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample.

Charge 2: GAR 142(1)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhound Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound "Trip Me Up".
3. Trip Me Up was presented for, and competed in, Race 3, SPORTSBET HT1, Mixed 6/7 Heat, conducted by the Healesville Greyhound Racing Association at Healesville on 3 April 2023 (the Event).
4. You administered, or caused to be administered, to Trip Me Up, a prohibited substance, being Cobalt, which was detected in a sample taken from Trip Me Up in that:

(a) You are responsible for the feeding of, and administration of supplements to, Trip Me Up;

(b) Two (2) products containing cobalt, namely “Nature’s Way Complete Daily Multivitamin with Antioxidants” and “Winning Edge Platinum Kibble”, were identified at your kennels on 21 April 2023;

(c) A pre-race sample of urine was taken from Trip Me Up at the Event (the Sample);

(d) Cobalt was detected at a mass concentration of greater than 100 nanograms per millilitre in the Sample; and

(e) The mass concentration of cobalt detected in the sample could only be caused by the administration of cobalt.

Pleas: Guilty

DECISION

1. Mr Greg Johnson has been a greyhound trainer for approximately three years. He is the trainer of the greyhound “Trip Me Up”, which raced at Healesville on 3 April 2023. At the conclusion of the race, the dog was swabbed and a concentration of cobalt over the allowed threshold was detected in the dog.
2. Cobalt is a naturally occurring substance. It is present in a multitude of substances. However, it is also a potential performance enhancing agent when used in greyhounds. It is often used to treat anaemia in greyhounds and can be toxic in high doses. The offence does not consist of the mere presence of cobalt. It relates to the presence of an unnaturally high proportion of cobalt in the greyhound. It is not an offence for a greyhound to contain cobalt unless the concentration of cobalt in the animal is over 100 nanograms per millilitre (“ng/ml”). By way of comparison, 96% of greyhounds are estimated to have cobalt of less than 10ng/ml and the chance of a greyhound exceeding 50ng/ml is less than one in 18,000. The chance of a greyhound exceeding 100ng/ml is less than one in 614,000. In the case of Trip Me Up, the concentration level was 181ng/ml.
3. The scientific analysis presented by the Stewards indicates that this high level of cobalt was caused by the administration of two substances to the dog. The first was a product

known as Nature's Way Complete Daily Multivitamin with Antioxidants". The second is dog kibble called "Winning Edge Platinum Kibble". Both of these products are readily available for purchase by dog owners. Dr Stephen Karamatic, Chief Veterinarian at Greyhound Racing Victoria ("GRV"), provided an expert report. Dr Karamatic initially noted that the kibble was fed at a higher rate than most greyhounds would be fed. Mr Johnson had indicated that the greyhounds are fed 250 grams of this kibble every day.

4. In a supplementary report, Dr Karamatic outlined testing that he had conducted on this kibble. It showed the kibble to contain 1.8mg/kg of cobalt, compared to the usual feed containing less than 0.2%. His opinion was that the high concentration of cobalt in the kibble, combined with the higher proportion of feed, had led to an increase in the total cobalt fed to the greyhound. He said that, given these two factors, it was unsurprising that the greyhound had breached the threshold.
5. Given that Mr Johnson freely admitted having given his greyhounds both the vitamins and the kibble, he has also been charged with administration of a prohibited substance. The charge of administration is an inherently more serious charge than that of presentation. It involves a positive act, in comparison to the presentation charge.
6. Mr. Johnson was interviewed by the Stewards on 21 April 2023 and attended a preliminary inquiry on 9 August 2023. He was unable to give any explanation for the increased level of cobalt in the greyhound. He said that he had only two dogs and he was a hobby trainer. He did not stint on the food which he purchased for his dogs. He never used knacker meat. He always bought top of the line products. He had previously had both of his dogs tested and they had come up with high levels of cobalt. He then changed his kibble to the brand which is the subject of these charges. He could not understand why there was such a high cobalt reading with Trip Me Up, as his other dog had very low readings on exactly the same diet.
7. Mr Johnson noted that he spent money to buy a premium greyhound race food and was in no position to know that it was contaminated. He thought that he was giving his greyhound the best products it could have.
8. In sentencing Mr Johnson in respect of both of these charges, we take the view that there was very little that he could have done to have alerted himself to the presence of cobalt at such a high level in the substances that he gave to the dog.
9. Mr Timothy Brook, on behalf of the Stewards, advised during the hearing that administration charges are not commonly brought in cases of presentation offences, although they are technically available, unless the Stewards find evidence of items which

contained the prohibited substance during a kennel inspection. In this case the kibble and vitamin tablets were so found.

10. The case in relation to administration is put on the basis that Mr Johnson did not make sufficient enquiries before using both these substances.
11. We have been told that the type of vitamin tablet administered by Mr Johnson is commonly known to contain cobalt, but there was nothing on the packaging or in the alerts to the industry which would have given Mr Johnson any warning of that fact. In any event, it appears from the scientific evidence that the vitamin tablet did not substantially contribute to the presence of the cobalt. The substantial contributing factor appears to have been the kibble. It makes little sense to us to suggest that Mr Johnson should have made his own investigations or enquiries into the use of kibble marketed as a premium food for greyhounds. This is not a case where someone has intentionally administered a substance which is of dubious nature. This is a case where someone has done his very best to provide an extremely high level of quality products to his dogs and has been caught out by the composition of a product.
12. In relation to the administration charge, we therefore find that these are very unusual fact circumstance and therefore, the penalties commonly prescribed for that offence are of limited relevance to us. Mr. Johnson was at all times extremely cooperative with the Stewards and readily divulged that he had fed his dog supplements and the kibble. He appears genuinely perplexed as to what else he could have done to have avoided the situation in which he has found himself.
13. On Charge 1, being the presentation charge, we impose a penalty of 12 months suspension, which is fully suspended for a period of 12 months.
14. On Charge 2, being the administration charge, we find the charge proven but impose no penalty given the unique circumstances of this case.
15. In addition, Trip Me Up is disqualified from Race 3 at Healesville on 3 April 2023 and the finishing order be amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal