

24 October 2024

DECISION

GREYHOUND RACING VICTORIA

and

JOHN MANGION

- Date of hearing:** 23 August 2024
- Date of decision:** 23 August 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Josh Bornstein.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr John Mangion represented himself.
- Charges:** 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 "Bonnie's Beast".

3. Bonnie's Beast was nominated to compete in Race 12, sandowngreyhounds.com.au, Grade 5, conducted by the Sandown Greyhound Racing Club at Sandown Park on 21 September 2023 (the Event).

4. On 21 September 2023, you presented Bonnie's Beast at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Bonnie's Beast at the Event (the Sample);

(b) Levamisole, Aminorex, Rexamino and 4-phenyl-2-imidazolidinone (compound II) were detected 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 "Bonnie's Beast".

3. Bonnie's Beast was presented for, and competed in, Race 12, sandowngreyhounds.com.au, Grade 5, conducted by the Sandown Greyhound Racing Club at Sandown Park on 21 September 2023 (the Event).

4. You administered, or caused to be administered, to Bonnie's Beast, a prohibited substance, being Levamisole, which was detected in a sample taken from Bonnie's Beast in that:

(a) You administered a product containing Levamisole, namely 'Fido's Closasole tablets', to Bonnie's Beast on or around 19 September 2023;

(b) A pre-race sample of urine was taken from Bonnie's Beast at the Event (the Sample);

(c) Levamisole, Aminorex, Rexamino and 4-phenyl-2-imidazolidinone (compound II) were detected in the Sample.

Pleas: Guilty

DECISION

1. Mr John Mangion is 70 years old. He has been a greyhound trainer since 1981. He comes before us on two Charges. The first Charge is a presentation Charge arising out of him presenting "Bonnie's Beast", at Sandown on 21 September 2023 not free of a prohibited substance.
2. The substance detected was levamisole and its metabolites, aminorex, rexamino and 4-phenyl-2-imidazolidinone (compound II).
3. He has pleaded guilty to that Charge.
4. Levamisole is the active ingredient in over 99 worming products used for dogs. These products are sold over the counter and do not require a prescription. One of those products is "Fido's Closasole Broad Spectrum Wormer" for dogs and cats. Mr Mangion has used this product once a month for many years for worming his greyhounds. He did not realise that it contained a prohibited ingredient.
5. Because of his action in using the worming tablet on Bonnies Beast, he has also been charged with administering a prohibited substance. He did this a few days before the race and the prohibited substance was detected in the pre-race sample taken on 21 September 2023.

6. He has also pleaded guilty to that administration charge.
7. Levamisole is a very effective parasiticide, but is now infrequently used in the industry due to its numerous possible adverse effects. It is known to cause vomiting and diarrhoea in dogs, and panting, shaking, agitation or other behaviour changes, and anaemia and lethargy in dogs in when it is used. Safer products have now been made available in the market. Mr Mangion had not caught up with this change.
8. It is for this reason that Greyhound Racing Victoria (“GRV”) issued a warning to trainers on 31 May 2018. The warning related to this very worming product, “Fido’s Closasole tablets”. Unfortunately, Mr Mangion did not see this warning.
9. GRV issued another warning in a fact sheet published on 1 June 2020. In that fact sheet the following paragraph appeared in bold writing:

“Levamisole has a low safety margin so follow label directions. It will also cause a positive swab in racing greyhounds for at least eight days”.
10. Unfortunately, Mr Mangion did not see this warning either.
11. When he was interviewed by the Stewards, Mr Mangion was fully cooperative and described the circumstances under which he had administered the worming tablet in some detail. He wormed Bonnies Beast two days before the race. He did not realise the danger in doing so. He wormed the dog on that occasion because he had seen worms in the dog’s excrement and was concerned not to take a dog to the racetrack when it was infested with worms. Since then, he has discontinued use of this brand of worming tablets.
12. Mr Mangion has been racing greyhounds for 50 years. He loves his greyhounds. He is on a pension, and supplements it with racing his few dogs, which are also his close companions.
13. He has an overall excellent record in the industry, although the sample which is the basis for these offences is the sixth positive sample he has had in the last five years.
14. In February 2019, he was charged with a presentation offence arising out of a positive sample for caffeine. The most likely means of ingestion was through his urine. He drinks a lot of coffee. He has also suffered from bladder issues and had a habit of urinating in his dog’s yards. Since the positive test, he ceased doing so.

15. In March of 2021, he was suspended for a total of 18 months, with 14 months of that suspension itself to be suspended for 12 months. He was also fined \$900. This penalty arose out of three of his greyhounds testing positive for arsenic after they chewed on treated timber at his kennels. Since the positive tests, he constructed steel kennels so this would not happen again.
16. Some eight months ago, in December of 2023, he was fined \$3,000 for presenting a dog to race which was found to have had methylprednisolone in its system. This substance appears to have originated from medication prescribed for him. Since that time, he wears gloves while mixing the feed for his dogs.
17. He is illiterate and this is the reason why he did not see the warnings which were circulated by GRV. He has now arranged for his partner to assist him with reading and writing as required in order to ensure that he does not inadvertently breach any requirements in the future. He makes sure that she is present to read labels and notices when he buys items at pet shops. She regularly accesses the GRV website for him to check on new notices and warnings. He does not buy products at racetracks without carefully checking with the sellers about whether the items which are being purchased contain prohibited substances that may be detected in a swab.
18. The Stewards submitted, and we agree, that general deterrence is the principal consideration in sentencing for presentation offences. To present a dog with a prohibited substance in its system is an act which jeopardises the reputation of the industry. It needs to be dealt with firmly.
19. We also consider that in this case specific deterrence is an important element to be taken into account. Mr Mangion should be deterred from committing offences of this kind into the future. He must expect that his past history will be taken into account in setting penalties.
20. Given his past record, the Stewards submitted that he should receive a significant period of active suspension. However, we take the view that his past record is not as damning as it seems. The Charges which were dealt with in December 2023 are not prior convictions. The offending for which we are to sentence him today occurred some three months prior to that. He is very chastened by the occurrence of the offences in last September and December. He has now put into place sensible, if not foolproof, arrangements for his partner to assist him in ensuring that no such inadvertent application of prohibited substances occurs in the future.

21. Taking into account all the circumstances which we have noted, we impose the following penalties:

Charge 1: six month suspension, with four months suspended for 24 months pending no further relevant offences during that time.

Charge 2: six month suspension, with four months suspended for 24 months pending no further relevant offences during that time. This penalty is wholly concurrent with the penalty imposed on Charge 1 given that it arises out of the same facts and circumstances.

22. In addition, Bonnie's Beast is disqualified from Race 12 at Sandown on 21 September 2023 and the finishing order is amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal