



DECISION of the JUDICIAL COMMITTEE of the FEI

dated 14 February 2006

Positive Medication Case: 2005/44

Horse: Unbelievable Darco

FEI Passport No.: GBR11452

Person Responsible: Guy Williams, GBR

Event: CH-Y-Yhorses-S Lanaken (BEL), 22-25.09.2005

Prohibited Substances: 4-Methylaminoantipyrine

1. COMPOSITION OF PANEL

Mr Erik Elstad
Mr Leonidas C. Georgopoulos
Dr Jens Adolphsen

2. SUMMARY OF THE FACTS

2.1 Memorandum of case: by Legal Department.

2.2 Summary information provided by Person Responsible (PR): The Judicial Committee took into consideration all documents presented in the case file, as also made available to the PR through his National Federation.

2.3 Oral hearing: None, by correspondence.

3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

3.1 Articles of the Statutes/General Regulations/Veterinary Regulations which are applicable or have been infringed:

Statutes 21st edition, effective 21 April 2004, ("**Statutes**"), Arts. 001.6, 057 and 058.

General Regulations ("**GR**"), 21st edition, effective 1st January 2005, Arts. 142, 146.2 and 174.

Veterinary Regulations (“**VR**”), 9th edition, effective 1st January 2002, Art. 1013 and Annex IV.

FEI Code of Conduct for the Welfare of the Horse, 2004.

3.2 Persons Responsible: Mr Guy Williams

3.3 Justification for sanction:

GR Art. 146.2: “Any horse found to have a Prohibited Substance in any of its tissues, body fluids or excreta at an event [...] is automatically disqualified, together with the competitor [...], from all competitions at that event, [...] unless the Judicial Committee decides based on the evidence to terminate the proceedings of the case.”

4. DECISION:

A. The Relevant Facts

- 1) Unbelievable Darco took part at the CH-M-YHorses-S in Lanaken (BEL), from the 22nd to the 25th of September 2005 (the “**Event**”). Unbelievable Darco was ridden by Mr Guy Williams who is the Person Responsible in accordance with GR Article 142 (the “**PR**”).
- 2) Unbelievable Darco was selected for sampling on 24 September 2005. Analysis of the urine sample no. FEI-6091 taken from Unbelievable Darco performed by the FEI approved central laboratory, the Laboratoire des Courses Hippiques (“**LCH**”), was found to contain 4-Methylaminoantipyrine. The PR waived its right to a confirmatory analysis.
- 3) 4-Methylaminoantipyrine is a metabolite of dipyrone (metamizole) and is a non-steroidal anti-inflammatory drug acting, *inter alia*, on the locomotor system. The detected substance is graded “3” by the Medication Sub-Committee of the FEI.

B. Jurisdiction

- 4) The Judicial Committee has jurisdiction over this matter pursuant to Articles 057 and 058 of the FEI Statutes.

C. Analysis

- 5) The Judicial Committee is satisfied that the laboratory reports reflect that the tests were accurately performed in an acceptable method and that the findings of LCH are accurate. The Judicial Committee is satisfied that the test results show the presence of the prohibited substance, 4-Methylaminoantipyrine. The PR did not contest the accuracy of the testing methods or the test results and positive findings. The FEI has thus sufficiently proven the objective elements of a doping offence.
- 6) The establishment of the objective elements of a doping offence creates the presumption of guilt of the PR. The finding on analysis of a prohibited

substance is presumed to be a deliberate attempt of the PR to affect the performance of the horse. The PR has the opportunity to seek to rebut this presumption.

- 7) In his letter of 17 November 2005, the PR explained the circumstances surrounding the treatment administered to the horse the day before the competition. The PR stated that the persons present when the horse was treated were advised by the treating veterinarian that the substance administered was allowed under the FEI rules and therefore there was no problem to compete on the next day.
- 8) The owner of the horse stayed with the horse when it was treated and has stated in her explanation that the treating veterinarian told her that he either could treat the horse with Buscopan, Bute and Finadyne and withdraw from the competition the next day or with another substance, Novalgine, which is a mild drug and allowed under the FEI rules. She asked him then to use the allowed drug and the horse became much more relaxed. She looked after the horse 3 or 4 times during the night. Her statement has been supported by two grooms who were present when the horse was treated.
- 9) The Judicial Committee is satisfied that the PR has succeeded in rebutting the presumption that the administration of the medication was a deliberate attempt to affect the performance of the horse. But when giving his horse an emergency treatment during a show as in this case, the PR should have immediately contacted the Veterinary Official the next morning and discuss the situation, and if there was a possibility of allowing the horse to compete after this treatment, he should have filled out and gave to the Ground Jury the appropriate medication form, see GR Art. 146.3 and .4 and VR Art. 1006.7.
- 10) It is the responsibility of competitors and owners to ensure that their horses do not have any prohibited substances in their systems or that any treatment is disclosed prior to the start of the competition and is authorized in advance.
- 11) The PR was in 2003 involved in a prior case involving another horse named Loro Piana Hamlet. The Judicial Committee decided the case in the beginning of 2005, less than a year before the show in Lanaken. Loro Piana Hamlet tested positive on Phenylbutazone and Oxyphenbutazone. The Judicial Committee accepted that there was not a deliberate attempt to affect the performance of the horse. The PR explanation was that another horse had been treated with the Prohibited Substances and that there could have been a contamination. It was also suspected that an unknown third party might have administered the substance to the horse at the event. With this case in mind, the PR should have been even more cautious when his horse was treated the night before the competition in Lanaken.

D. Decision

As a consequence of the foregoing, the Judicial Committee decides as follows:

- 1) Disqualification of the horse Unbelievable Darco and the PR from the above Event and forfeiture of all prize money.

- 2) The PR shall be suspended for a period of three (3) months to commence immediately and without further notice at the expiration of the period in which an appeal may be filed (30 days from the date of notification of the written decision) or earlier if the appeal is waived in writing by or on behalf of the PR.
- 3) The PR is fined CHF 2000.-
- 4) The PR shall contribute CHF 1000.- towards the legal costs of the judicial procedure.

[For the Judicial Committee]