



## Stewards Report

*INQUIRY INTO THE ANALYSTS FINDING OF COBALT IN A URINE SAMPLE TAKEN FROM PADRONE FOLLOWING THAT GELDING WINNING THE MICK & MARGARET BROPHY MEMORIAL MAIDEN PLATE AT GILGANDRA ON 21 AUGUST 2021.*

**Dubbo Turf Club  
Dubbo**

**17 December 2021**

**Stewards: D.J. Bucknell (Chairman)  
E.A Tickner  
J.D. Boehm**

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The Stewards today conducted an inquiry into the Analysts' findings of cobalt at a concentration above the level excepted under the rules in the post-race urine sample taken from *Padrone* following that gelding winning Race 1- Mick & Margaret Brophy Memorial Maiden Plate at Gilgandra on 21 August 2021. Evidence was taken from licensed trainer Ms Kylie Kennedy, Dr Toby Koenig- Racing NSW Chief Veterinary Officer, Dr Adam Cawley- Science Manager- Australian Racing Forensic Laboratory. Stewards also considered a brief of evidence.

The Evidence established the following:

1. On 31 August 2021 an inspection was conducted of Ms Kennedy's stables to investigate an elevated level of cobalt in two horses trained by Ms Kennedy from race meetings conducted on 14 and 15 August 2021. The elevated levels were in contrast to previous cobalt levels of horses trained by Ms Kennedy that had returned levels consistently close to the population mean up until that point. Ms Kennedy was unable to explain the elevation in cobalt levels and advised no supplementation practice within her stable had changed nor had she knowingly fed or treated horses with products containing high levels of cobalt. At this time, it was discovered that the stable treatment records for the horse *Wild Rocket* were not up to date. A number of Ms Kennedy's stable returns were also not up to date.
2. On 6 September 2021 stewards conducted a further inspection of Ms Kennedy's stables to advise that the post-race sample provided *Padrone* taken on 21 August 2021, had returned an irregularity to cobalt above that excepted under the Rules Of Racing. Samples of all feeds and supplements in the stable were taken for analysis. Ms Kennedy was advised not to race her horses until these samples were analysed and further investigations were conducted.
3. On 7, 19 and 21 August 2021, a number of out of competition urine samples were obtained from horses trained by Ms Kennedy.
4. In the days leading up to 19 September 2021, Ms Kennedy advised the stewards she had since changed the brand of feed for two of the horses sampled which subsequently returned cobalt levels in line with the population mean.
5. Horses fed Furney's Koola Komplexe subsequently returned cobalt levels in excess of the population mean, in out of competition samples.

6. On 27 September 2021 Racing NSW Stewards received advice from NMI that a feed sample of Furney's Koola Complete, taken from Ms Kennedy's stable on 6 September 2021, was found to contain a level of cobalt of 20mg/kg, in excess of 30 times of that listed on the manufacturer's product label.
7. Ms Kennedy's veterinary treatment records did not identify any cobalt containing product which would have caused or contributed to the elevated cobalt levels.
8. Dr Koenig provided evidence that the horse *Padrone* had been subjected to in excess of 50mg of cobalt per day, far in excess of its metabolic requirements.
9. Inquiries made with Furney's Stockfeeds, the manufacturer of Furney's Koola Complete, and their own subsequent investigation found excessive cobalt levels in a number of batches of the feed, including in feed batches purchased by Ms Kennedy. As such a product recall was issued by the Furney's Stockfeeds.
10. Dr Cawley and Dr Koenig gave evidence in respect to the results of a feed trial conducted in 2017 that found that high levels of cobalt in feed can produce levels of cobalt in the urine above the population mean and the threshold set by Racing Australia.
11. Dr Cawley and Dr Koenig also provided evidence in respect to the level of cobalt in the feed and other cases where the feed has been found to be the principal reasons for horses returning urine samples found to contain cobalt above the threshold set by Racing Australia.
12. Under the **Rules of Racing- Part 2 division 3** cobalt is a prohibited substance when found to be present at a concentration greater than 100 micrograms per litre in urine.
13. The urine sample obtained from *Padrone* after winning Race 1- Mick & Margaret Brophy Memorial Maiden Plate at Gilgandra on 21 August 2021 was found upon analysis by two Official Racing Laboratories to contain cobalt at the following concentrations:

NMI	168 micrograms/litre ± 23
RASL	>200 micrograms/ litre ± 10

### Charge 1

Ms Kennedy pleaded guilty to a charge under AR240(2). The details of the charge being that she did present the gelding *Padrone* to race in Race 1- Mick & Margaret Brophy Memorial Maiden Plate at Gilgandra on 21 August 2021 when a post-race urine sample obtained from the gelding was found upon analysis to contain cobalt above the threshold excepted by the Rules of Racing.

### Charge 2

Ms Kennedy pleaded guilty to a charge under AR104(1) in that in the period leading up to 31 August 2021, she did fail to keep proper treatment records for the horse *Wild Rocket*.

### Charge 3

Ms Kennedy pleaded guilty to a charge under AR296(d)(i) in that she failed to update the stable returns for a number of horses in her care as required under the Rules Of Racing.

### Penalty

#### Charge 1

Having regard to the evidence above and the similarities between this case and others where excess cobalt levels in feed has been deemed to be responsible for levels of cobalt in urine samples above the threshold set by the Rules of Racing, Stewards were comfortably satisfied that the cause of the levels of cobalt in the sample obtained from *Padrone* on 21 August 2021 were due to the prolonged ingestion of the Furney's Koola Komplexe feed which contained levels of cobalt in excess of 30 times higher than the manufacturer's label, which resulted in *Padrone* ingesting cobalt well in excess of the average daily intake of cobalt for a thoroughbred horse. As such no penalty was issued.

## **Charge 2**

Fine: \$500

## **Charge 3**

Fine: \$200

*Padrone*

Acting under the Provisions of AR240(1), *Padrone* was disqualified from its first placing in Race 1- Mick & Margaret Brophy Memorial Maiden Plate conducted at Gilgandra racecourse on 21 August 2021 and the placing's were amended as follows:

*1<sup>st</sup> Cheval De Frise*  
*2<sup>nd</sup> Sizzling Star*  
*3<sup>rd</sup> Dollar Pursuit*  
*4<sup>th</sup> Wodger*  
*5<sup>th</sup> Canny Offer*

## **Relevant Rules**

### **AR 240 Prohibited substance in sample taken from horse at race meeting**

*(1) Subject to subrule (3), if a horse is brought to a racecourse and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the horse must be disqualified from any race in which it started on that day.*

*(2) Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

### **Division 3 – Prohibited List B thresholds**

*The prohibited substances set out below in this Division 3 when present at or below their respective threshold are exempt from Prohibited List B.*

11. Cobalt at a mass concentration of 100 micrograms per litre in urine or 25 micrograms per litre in plasma.

**AR 104 Trainers must keep treatment records**

*(1) A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.*

**AR 296 Named horse change of location**

*(2) A trainer must:*

*(d) lodge an amendment to a Stable Return immediately if: (i) any particulars on the Stable Return have changed;*

**D Bucknell**  
**Chief Steward- CDWRA**