

# RACING NSW - STEWARDS REPORT



*HEARING OF CHARGE ISSUED AGAINST LICENSED TRAINER MR JAMES CUMMINGS AND  
CONSIDERATION TO SAVATIANO'S PLACING IN THE CANTERBURY STAKES CONDUCTED ON 6  
MARCH 2021.*

**Racing NSW Offices**  
**Druitt Street**  
**Sydney**

**1 March 2022**

**Stewards:**   **M F Van Gestel (Chairman)**  
                  **S G Railton**  
                  **T P Moxon**

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Racing NSW Stewards today conducted a hearing of a charge issued against licensed trainer Mr James Cummings, following the analysts finding of trendione, trenbolone and epitrenbolone in a urine sample taken from Savatiano after winning the Canterbury Stakes conducted at Royal Randwick on 6 March 2021.

On 14 December 2021 an inquiry was opened in respect to the certification from two Official Racing Laboratories that confirmed the presence of trendione, trenbolone and epitrenbolone. During the inquiry evidence was obtained from Mr Cummings who was assisted by barrister Mr T Boyle, instructed by Mr T Unsworth, licensed foreman Mr S Thomson, licensed stablehand Mr S Henry, Racing NSW Chief Veterinary Officer Dr Toby Koenig and ARFL Science Manager Dr Adam Cawley. CCTV of the stable where Savatiano was stabled during the relevant period was also tendered.

Racing NSW Stewards received submissions on behalf of trainer Mr James Cummings and Godolphin Australia on 17 January 2022 in respect to the analysts findings and subsequently issued a charge against Mr Cummings under AR240(2) for presenting Savatiano to race on 6 March 2021 when prohibited substances were detected in a post-race urine sample.

At today's hearing Mr Cummings and Godolphin Australia were assisted by Mr Boyle, instructed by Mr Unsworth. Mr V Cox represented Godolphin Australia.

## **General**

The evidence established the following.

1. In June 2018 Racing NSW provided notification to the racing industry that injectable altrenogest products should not be administered to thoroughbreds following trendione, epitrenbolone and trenbolone being found at low levels due to impurities being present in altrenogest products. In conjunction with the introduction of NSW LR44A, Racing NSW advised that oral altrenogest products could be used but not within one clear day of racing. Several notifications subsequent to this advice in June 2018 were released by Racing NSW reminding participants of this notification. Mr Cummings acknowledged receipt of this advice.
2. In the lead up to 6 March 2021 Savatiano was stabled at the Agnes Banks stables of Godolphin.

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3. In accordance with notification issued by Racing NSW, Savatiano was being administered 10ml of oral Ovumate (containing altrenogest) daily. Ovumate is a registered product specifically manufactured for use in horses.
4. Treatment records identified the last administration of Ovumate to Savatiano was on 3 March 2021, two clear days before racing on 6 March 2021.
5. CCTV tendered by Godolphin Australia did not identify any person administering any product to Savatiano on the morning of 6 March 2021 and stable foreman Mr S Thomson, who was responsible for such administrations, confirmed the last administration of Ovumate he administered to Savatiano was on the morning of 3 March 2021.
6. During an unannounced stable inspection Stewards took possession of a bottle of oral Ovumate which when analysed was found to contain the impurities trendione, trenbolone and epitrenbolone at known previously identified low levels.
7. Stewards were unable to conclusively determine the reasons for the prohibited substances being detected but having regard to the evidence were satisfied that such finding was not due to the administration of an anabolic steroid and most likely due to the ingestion of an altrenogest containing substance.
8. The Stewards did not consider it appropriate to exercise the discretion under NSW LR44A in respect of this matter as the analysis by the ARFL confirmed the presence of trendione, trenbolone and epitrenbolone in the urine sample provided by Savatiano to be above 1ug/l set by NSW LR44A.

### **Charge**

Stewards gave careful consideration to which of the prohibited substance Rules of Racing should be applied and considered that, given the circumstances of the matter and having regard to the veterinary and scientific evidence, AR240(2) was the Rule of Racing that most appropriately reflected the relevant conduct.

Mr Cummings pleaded guilty to the following offence.

#### **AR240(2) – Presenting a horse to race with a prohibited substance detected.**

The details of the charge being that he did present Savatiano to race in the Canterbury Stakes at Royal Randwick on 6 March 2021 and a post-race urine sample taken from Savatiano was found to contain the prohibited substances trendione, trenbolone and epitrenbolone.

### **Penalty**

Stewards considered the following matters in respect to penalty for Mr Cummings in addition to submissions made by Mr Boyle on behalf of Mr Cummings.

1. Circumstances of this case.
2. Guilty plea, clean record, and co-operation with the Stewards during the investigation.
3. Offence related to a Group 1 race.
4. Principles applied by Stewards when issuing penalties.
5. Precedent penalties.

Stewards determined the starting point for the offence under AR240(2) was a fine of \$15,000. Having regard to the mitigating factors detailed above and guilty plea Stewards determined the appropriate penalty was a \$10,000 fine.

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### Savatiano

Under the provisions of AR240(1) Stewards disqualified Savatiano from it's 1st placing in the Canterbury Stakes conducted at Royal Randwick on 6 March 2021 and amended the placings to read;

10. Mizzy	1st
07. Masked Crusader	2nd
01. Bivouac	3rd
02. Dreamforce	4th
09. Madam Rouge	5th
06. Dawn Passage	6th
03. Samadoubt	7th
05. Victorem	8th
04. Kementari	9th

### 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.*

**M F Van Gestel**  
**Chairman of Stewards**  
**General Manager-Integrity**