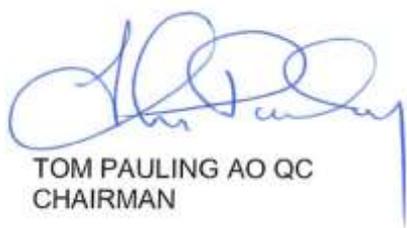


- firstly, Mr Dyer has been a trainer for forty years in several jurisdictions and tubing DMSO is part of his regular practice to avoid bleeding and to transport treatments more efficiently to the metabolism of the horse;
- secondly, it was put to us that we should differentiate between substances in Part B of the prohibited substances list; and
- thirdly, we should regard this result as an anomaly.

This Tribunal in over 30 years has seen many first detections of many substances and many claims of anomalies. The stewards were clear that they regarded this treatment as therapeutic and not performance enhancing and so the differentiation suggested had already happened. The failure to record the treatment and also injections on the same day does not support the “highly skilled” submission in support of the “anomaly” idea. Despite these arguments urged upon the Tribunal, we are unable to conclude that the penalty was excessive. It follows we cannot find it was manifestly excessive. Therefore, the appeal is dismissed



TOM PAULING AO QC
CHAIRMAN