



**Alcohol and Gaming Commission of Ontario**  
90 SHEPPARD AVE E  
SUITE 200  
TORONTO ON M2N 0A4  
Tel: 416 326-8700 or 1 800-522-2876 toll free in Ontario  
Fax: 416 326-8711

Ruling Number TB 10951/18

Woodbine

TORONTO, ONTARIO –September 18, 2018

**IN THE MATTER OF THE HORSE RACING LICENCE ACT, 2015,  
S.O. 2015, c.38, Sched. 9;  
AND IN THE MATTER OF DR. BRIAN VAN AREM**

On August 1, 2018, Woodbine Security alerted the Stewards that Veterinarian, Dr. Brian Van AreM, had provided therapy and treated two horses that were in the entries at Woodbine that evening with Extracorporeal Shock Wave Therapy. The report, detailed from Woodbines' Surveillance of Trainer Norm McKnight's barn, that two horses, Brighter Ideas, 3rd race August 1, 2018 and Halo Laelia, 4<sup>th</sup> race August 1, 2018, had received the treatment on July 30, 2018. This was inside of the required time period of four days (96) hours of a horse competing in a race.

The Stewards ordered the horses scratched from their respective races and Dr. Van AreM and Trainer Norman McKnight attended the Stewards office and were informed of the findings and the action taken by the Stewards regarding the two horses that were to participate in racing that night and that an AGCO investigation would commence regarding the allegations. Dr. Van AreM and trainer McKnight informed the Stewards that the horse Constantino had received treatment in the same time period and was entered into the eighth race on August 3, 2018. Constantino was subsequently scratched by the Stewards.

On September 12, 2018, the Stewards convened to hear the matter, Dr. Brian Van AreM attended and was self-represented.

TAKE NOTICE that Veterinarian/Trainer Dr. Brian VAN AREM (116293) is hereby issued a monetary penalty in the amount of \$7,500.00 for misconduct (best interests of racing) providing treatment to horses that were in the entries with Extracorporeal Shock Wave therapy in contravention of the four day, ninety-six hour (96) time period required for horses in racing according to Directive #1, 2018, TB Rule 15.37 (b). The monetary penalty shall be paid on or before October 18, 2018. Alcohol and Gaming Commission Rules: 1.05, 15.09.01, best interests of racing, 15.37 (b) 16.13 (d) and 24.04.

The following conditions are placed on Brian VAN AREM's license for a period of one year, October 4, 2018, through October 3, 2019.

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- 1) Dr. Van Arem shall keep the peace and be of good behavior
- 2) Dr. Van Arem may be subject to AGCO Investigators' requests to seize Veterinarian records of horses treated in racing by him or his associates
- 3) Any violations of a similar occurrence during the probation period, may result in an immediate suspension and subsequent review by the Stewards.

**Reasons for Decision:**

AGCO Investigations report #18-365, revealed that the daily logs collected from Dr. Van Arem indicated that shock wave therapy was utilized as a pre-race treatment. The horses that were scratched on Wednesday August 1, 2018, were entered at five days out, over 120 hours from racing, as Woodbine has an entry day of Friday for Wednesday's race card. These horses were well outside of the 96 hours and yet were treated inside of 72 hours

Dr. Van Arem provided documentation on the results of some research that has been completed regarding the analgesic effects of shock wave therapy. He contended that the therapy is therapeutic and less evasive than other pre-race treatments. Also, that the rule at hand, 15.37, is only a guideline. The CPMA's booklet that veterinarians refer to for withdrawal times of medications given to horses participating in racing are guidelines to pre-race treatments. Shock wave therapy is not a pre-race treatment. It is a therapy that is ongoing to help relieve some of the ailments horses acquire through training and racing and the cut off time is 96 hours as stipulated in the rule.

The ARCI, Association of Racing Commissioners International's model rule suggests that Extracorporeal Shock Wave therapy for horses in racing should be stopped at ten days out from which the horses are to participate. American racing jurisdictions vary in their rules surrounding the use of shock wave machines but many major racing jurisdictions have adopted the model rule or have modified the model rule to the last administered therapy treatment to a horse to participate in racing, at a 7 day withdrawal.

The Stewards are tasked with a situation that has no previous set precedence. The administration of the shock wave treatments inside of the recommended time could be construed to potentially gain an advantage in racing. The analgesic effects could be masking issues associated with lameness and in doing so jeopardizes equine and human safety in the sport, this is considered to be not in the best interests of racing.

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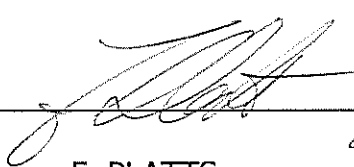
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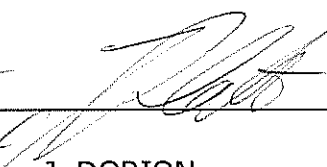
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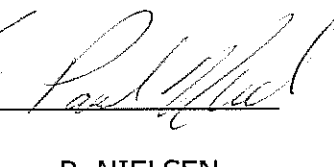
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As a licensed trainer and practicing Veterinarian, Dr. Van Arem is responsible to have full knowledge of the rules of racing and abide by them. The penalty set out in this ruling is on the basis of the violation of the rule. Ignorance of the rule, or rules, cannot be accepted as an excuse for their violation.

By Order of the Stewards

  
F. PLATTS

  
J. DORION

  
P. NIELSEN

  
J. Dorion