



On the hook

On September 1, the Ontario Racing Commission instituted a new set of rules governing whipping in the province. Some people are all for it, and others are staunchly against it – but regardless of what side you’re on, everyone will share in the results of this endeavour... for better or for worse.

By Ed O’Leary

The new whipping rules instituted on September 1 by the Ontario Racing Commission for standardbred raceways under its jurisdiction may still be in their infant stages, but the controversy they’ve caused within the industry has already placed most trainers and drivers on one side of the fence -- with track operators and the ORC on the other. One group believes these new regulations are essential for the future prosperity of the sport, while the other adamantly opposes them.

Can you guess who is saying what?

Jack Darling, however -- a highly accomplished trainer with many years of experience -- has joggled down a path the majority of his fellow trainers have avoided. He has actively pushed the ORC to institute these new rules.

Darling knew from day one that his beliefs would make him a target for some choice words from many colleagues, but he didn’t quite expect the enormous backlash he’s received. He’s donned a bulls-eye shirt, it seems, while fellow competitors are standing in line, darts in hand. “I can understand the drivers,” says Darling. “Nobody likes to be told what to do and it’s a change for them. I really can’t understand the resistance from the trainers. Very few people have come to me but I hear the stories.”

So what are these changes that are causing so much fuss?

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The following was included in an ORC statement issued August 12 in regards to whipping:

Rule 22.23.03 – *At any time while on the grounds of an association, it is an offence for a driver, or the person in control of the horse, to use the whip to hit or make contact with the horse as follows:*

- a) *To raise their hand(s) above their head;*
- b) *To cause the whip to move back beyond a 90-degree angle relative to the track;*
- c) *To cause any portion of the whip to be outside the confines of the wheels of the race bike;*
- d) *To strike the shaft of the race bike, or the horse below the level of the shaft of the race bike;*
- e) *To cut or severely welt a horse.*

Rule 22.23.04 – *A driver, or the person in control of the horse, is required to:*

- a) *keep a line in each hand for the entire race, from the starter's call to the gate until the finish of the race, except for the purpose of adjusting equipment;*
- b) *keep both hands in front of their body;*
- c) *keep their hands below their head; and*
- d) *have control of their horse at all times when on the racetrack.*

Rule 22.23.05 – *Violation of any of the provisions in Rule 22.23.03 to 22.23.04 may result in any of the following penalties:*

- a) *Fine;*
- b) *Suspension;*
- c) *Placement;*
- d) *Disqualification; and/or*
- e) *Any other penalty as ordered.*

In layman's terms, the new rules say this: drivers must keep their whips inside an imaginary box and, while holding a line in both hands, they're allowed to urge their charges forward with the use of a whip, as long as they're whipping with a wrist action – which results with a much softer strike to the horse. The wrist-action tap is also more eye-appealing to the fan, who many believe thought the horse was being abused when drivers used the previously kosher heavy-handed whipping action.

Previous to September 1, drivers had to keep one line in each hand... but only until the head of the stretch, at which point they were allowed to place two lines in one hand and, with the whip in the other hand, reach back and whip (as long as they struck the animal above the shaft but not around the stifles).

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If, however, ORC judges decided a driver had abused the horse before, during or after a race, the driver could still be fined and/or suspended.

Darling and those who support the new whipping rules have worked for the past year to institute these changes. Darling was dedicated from day one, having said often that he was concerned for the health and welfare of the horse. “That's the number one thing,” he insists. “This is just a tremendous thing for our horses. From this day forward, every horse that races in Ontario is protected from being hurt or injured from the use of a whip in a race.”

In regards to the controversy, Darling notes that we live in a changing world – those who work within the racing community, he says, must change with it. “It (heavy-handed whipping) was something we never liked to talk about

within the industry, but the fact is that slashing was just too excessive,” he shrugs. “Unfortunately, we've just done it that way for 100 years and it's always been accepted, but society has changed and we in the industry have to change along with it. We've finally come to grips with the problem and made the changes that we've had to make.”

Bruce Murray, vice-president of standardbred racing for the Woodbine Entertainment Group (WEG), confirms that customers were outraged by the whipping of the horses. “In a note to the ORC,” he explains, “I wrote that we've had complaints from the customers at Mohawk who have been outraged by the sights and sounds of the whipping.”

Murray adds that Woodbine had a two-week trial period for these rules last spring and the betting handle was monitored closely. “There was no change in the handle,” he admits. “We will certainly monitor that now, but we believe this is a worthwhile initiative.”

He also believes the drivers on the WEG circuit will adjust to the change and still manage to get as much out of their horses with the new rule in place as they did when they could reach back and give their horse a good old-fashioned crack of the whip. “The drivers at WEG are so capable and talented,” claims Murray, “that they'll get every bit as much out of a horse utilizing this method as they would using the one-handed method.”

Obviously, not everyone agrees.

To say that Bob McIntosh, an O'Brien Award winning trainer, is upset with the new rules would definitely be an understatement. “We got this rammed down our throats,” says McIntosh, who owns between 175 and 180 horses and trains nearly 100 every year. “I let my feelings be known and they (the committee that worked on the rule changes) didn't want to listen.”

McIntosh believes the rule changes could have a tremendous financial impact on the owners of some horses. “You're going to see some horses that it



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will affect a little bit but for others, their value will be cut in half,” says McIntosh. “To me, as an owner, that’s important. This is the business from which I derive my income.”

When McIntosh sends one of his pupils to either Woodbine or Mohawk, veteran Steve Condren is the driver he generally assigns to his entry. The 52-year-old Condren has never been known as a heavy-handed whipper but rather as a driver able to ‘shoo’ a horse to the finish line as well as anyone after managing to get the perfect trip.

Nebupanezzar, trained by McIntosh and driven by Condren, won the O’Brien Award as Canada’s top two-year-old colt/gelding pacer in 2008. The No Pan Intended-sired gelding won 10 of 14 starts, finished second in two others and banked \$1,088,050 for the Peter Pan Stables of Pepper Pike, Ohio. Nebupanezzar’s biggest payday came October 25, 2008, when he won the Governor’s Cup by a head in 1:51.2 to increase his earnings by \$410,000. “There were a couple of races that he wouldn’t have won if Steve couldn’t have used a whip and there was not one mark on the horse after the race,” says McIntosh. “You can’t tell me that horse was abused and it (the whip) made the difference between first and second.”

McIntosh notes that the ORC judges already had a tough job, and with the new rule added to their responsibilities, the likelihood of them doing it efficiently is diminished. “I wouldn’t want to be a judge,” he says. “The whole thing is absolutely ridiculous.”

Several trainers blame the judges for the new rules being instituted. “The world has changed in a lot of ways and,

maybe, we have to look at how we urge horses more than anything... but I disagree that the whip should have to stay in the (imaginary) box,” says Bob Young, who has campaigned a successful stable on the Woodbine-Mohawk circuit for many years. “If the judges had done their job in the last five years, we wouldn’t be in this position. They let it go too long. They should have jumped on this when things happened.

“They’re having meetings now telling you how to drive a horse,” he adds. “If they had meetings three to five years ago and said ‘Look boys, we don’t want whipping under the shaft, excessive whipping when a horse isn’t pacing forward and exaggerated movement of the whipping arm, we wouldn’t be having this problem.’”

Ben Wallace has trained Triple Crown winners and world champions during his stellar 37-year career. “I’m against it (the new rules) and I’m against abuse of the horse without a doubt,” says the 60-year-old Wallace. “I understand where everybody’s coming from on this, but how is it going to be adjudicated?”

Wallace, like Young, believes the judges should have cracked down on excessive whipping years ago.

“We let it get to the point where it’s become a serious public issue,” says Wallace. “Excessive, exaggerated movement and the overuse of the whip has been going on for so long that something had to be done.

“Why haven’t we made examples of the Steve Condrens, Roger Mayottes, Paul MacDonells, and Tony Kerwoods – people who can shoo a horse through the lane as well as anyone (without slashing). This is what we want done, not a whole new set of rules, which is going to be ridiculous. The whip should be a part of horse racing – it’s a tool. Abuse shouldn’t be, but if we think this is going to be the panacea that is going to save horse racing, we’re awful naïve.”

Rene Laarman, who has also campaigned a stable on the Mohawk-Woodbine circuit for years, claims

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"there's plenty of opposition to the new rule, more opposition to it than support for it, that's for sure."

Laarman is mostly concerned that the big bettors might not take kindly to the new rule. "I think it's going to hurt our handle," he says. "If you had a big bet up, wouldn't you like to see your driver urge your horse more than being able to tap him with the whip? I feel we're going to lose the big gamblers. I think we've already lost a lot of them. This could be the icing on the cake."

"I understand what they're trying to do, but **I don't whole-heartedly agree with the rules.** I think there's some tweaking that has to go on."

And the WEG drivers aren't fans of the new rules either.

"I don't like the idea of restricting us so much, staying inside this imaginary box," says Mike Saftic. "Everyone is going to have to change their style. It changes your stretch drive. You've got to find a way to urge your horse on but I don't think the front end will be any better than it was before."

Racing has been conducted in Europe with these rules in effect for years and these rules have also been adopted in Indiana, Kentucky and Florida.

Steve Condren believes Ontario should have held hands with other jurisdictions that don't have the new rules and brought them in together. "Overall, it would have been nice to see something universal," he says.

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Condren, like Saftic, claims it's difficult to stay within the confines of the box. "It's difficult to keep the whip

within it," Condren says. "There's an area there that should be looked at."

Jody Jamieson, Canada's leading driver this year, is definitely against the new rules, but not because he believes they'll keep him out of the winner's circle. In fact, he won 29 races the first week the rules came into affect.

"The biggest thing is the customers, and I haven't talked to too many people that worry about drivers whipping their horses," says Jamieson. "In fact, I've never received a complaint. There are so many other things that we could be doing for our customers aside from just changing whipping. Integrity is the biggest word thrown around this business. What's the bettor supposed to think when he sees his horse coming to the line and we're not whipping?"

He was recently called in for an interview with the judges who accused him of holding one hand too high and the lines too loose.

"The bettors don't care about that kind of stuff or a foot being out of the bike," shrugs Jamieson. "They (the judges) are missing the interferences, the things that really matter. If this rule helps, I'll be the first to admit that I was wrong. I just don't see it doing it."

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Despite the swirling debate, those who enforce the rules have confidence in their efficacy and implementation.

Brent Stone, the ORC's manager of racing, does agree that the judges have an extremely tough job but insists that they're being properly educated to enforce the new rules. "There's no doubt there are added responsibilities for the officials," says Stone. "It's something they'll take on."

Stone expects and welcomes input from everyone involved. "We're definitely open to feedback," he says.

But controversy and comments aside, only time will tell for sure if these new rules do, as Condren suggests, need tweaking. **T**