

June 15, 2015

VIA FIRST-CLASS MAIL AND E-MAIL

Mark Gearan, Chair  
 John A. Crotty, Commissioner  
 Peter J. Moschetti, Jr., Commissioner  
 John J. Poklemba, Commissioner  
 Barry Sample, Commissioner  
 Todd R. Snyder, Commissioner  
 New York State Gaming Commission  
 P.O. Box 7500  
 Schenectady, NY 12301-7500

RE: Request for Investigation of Circumstances Surrounding  
 Helwan's Death at Belmont Park on June 6, 2015

Dear Messrs. Gearan, Crotty, Moschetti, Poklemba, Sample, and Snyder:

I am writing on behalf of People for the Ethical Treatment of Animals ("PETA") to request that your office investigate the circumstances surrounding the death of a 4-year-old horse named Helwan at Belmont Park on June 6, 2015, for possible violations of New York's Thoroughbred racing regulations.

Helwan's first U.S. start was in the fourth race at Belmont Park on June 6,<sup>1</sup> the Jaipur Invitational Stakes (Gr. 3). He came from France, where he raced eight times,<sup>2</sup> finished first in three of his starts, and was on the board in each of the others.<sup>3</sup> Helwan began racing as a two-year-old, and his eight races in France occurred over an entire year, from October 8, 2013, to October 7, 2014.<sup>4</sup> He had never raced on Lasix, but he was administered the drug for the June 6 race.<sup>5</sup> After he broke down during the race, he was found to have a broken left front cannon bone and euthanized on the track.<sup>6</sup>

New York's racing regulations bar the use of Lasix, or furosemide, unless the horse "has qualified for such use by any of the following means:

<sup>1</sup> Mike Fiammetta, *Helwan Euthanized after Broken Bone at Belmont Park*, SPORTS ILLUSTRATED, June 6, 2015, <http://www.si.com/horse-racing/2015/06/06/helwan-euthanized-belmont-park>.

<sup>2</sup> Helwan, Stats Central - Horse Profile, Equibase Co., <http://www.equibase.com/profiles/Results.cfm?type=Horse&refno=9165891&registry=T#raking> (last visited June 10, 2015).

<sup>3</sup> Jerry Bossert, *Helwan Euthanized on the Track at Belmont Park Just Hours Before American Pharoah Makes Run for Triple Crown*, N.Y. DAILY NEWS, June 6, 2015, <http://www.nydailynews.com/sports/more-sports/helwan-euthanized-track-hours-belmont-stakes-article-1.2249148>

<sup>4</sup> Helwan, *supra* note 2.

<sup>5</sup> Jeff Williams, *Helwan Euthanized after Breakdown at Belmont Park*, NEWSDAY, June 6, 2015, <http://www.newsday.com/sports/horseracing/helwan-euthanized-after-breakdown-at-belmont-park-1.10515360>.

<sup>6</sup> *Id.*

PEOPLE FOR  
 THE ETHICAL  
 TREATMENT  
 OF ANIMALS  
 FOUNDATION

Washington, D.C.  
 1536 16th St. N.W.  
 Washington, DC 20036  
 202-483-PETA

Los Angeles  
 2154 W. Sunset Blvd.  
 Los Angeles, CA 90026  
 323-644-PETA

Norfolk  
 501 Front St.  
 Norfolk, VA 23510  
 757-622-PETA

Oakland  
 554 Grand Ave.  
 Oakland, CA 94610  
 510-763-PETA

PETA FOUNDATION IS AN  
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 TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

- (i) the horse has bled visibly during a race or a workout, as determined by the association veterinarian; or
- (ii) the horse has bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout; or
- (iii) the horse has been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or
- (iv) the horse has raced on furosemide in such horse's last race in a jurisdiction with rules substantially similar to New York State.<sup>7</sup>

Neither of the last two exceptions applied to Helwan. He was racing for the first time in the United States, and France bars the use of Lasix on race day.<sup>8</sup> Consequently, for him to have qualified to race on Lasix on June 6, a veterinarian must have determined that Helwan bled during a race or workout, either visibly or based upon the veterinarian's clinical assessment. Because it was his first race in the United States, the possible scenarios are narrowed even further—a veterinarian must have determined that Helwan bled during a workout.

However, Helwan's history renders any suggestion that Helwan bled during a workout before his first U.S. start highly questionable. In France, horses cannot race on Lasix and thus simply are not raced if they are serious bleeders. It strains reason to accept that Helwan raced eight times in France over an entire year without Lasix and without presenting evidence of bleeding that would hinder him from racing in France then suddenly became a bleeder before his first start in the United States, where horses regularly run on Lasix as a performance enhancer and where every other horse in his field was running on Lasix.<sup>9</sup>

The more likely explanation is that Helwan was administered Lasix *not* because it was medically indicated but rather as a performance enhancer—or to give his owner and trainer a way to level the field of horses, *all* of whom raced on Lasix. Such an action by the veterinarian who administered the drug would be in clear contravention of the regulation governing the use of Lasix. Yet it is well known within the industry that, despite the rule limiting the use of Lasix, the drug is reportedly often administered as a performance enhancer to horses for whom it is not medically indicated. Prominent veterinarian Dr. James Hunt made the following statement to a witness on August 8, 2013, while administering Lasix to trainer Steve Asmussen's horses: “[Asmussen's horses] basically all run on it. It makes them, it makes them lighter.” When asked if some do not need Lasix, he replied, “Probably, but it's a . . . performance enhancer. It makes them lighter.” One need not be a racing veterinarian to know horses often receive Lasix as a performance enhancer; on-line betting predictions for June 6 referred to the fact that Helwan was racing for the first time on Lasix and not because the predictors—seemingly not industry insiders—were concerned about the horse's bleeding history.<sup>10</sup>

<sup>7</sup> N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2(b)(1).

<sup>8</sup> France Galop Media Guide 2015, <http://www.mediaguide.france-galop.com/> (last visited June 10, 2015) (“There is zero-tolerance to medication on all racedays. No horse or jockey can be treated with drugs.”).

<sup>9</sup> Williams, *supra* note 5.

<sup>10</sup> The following are just a few examples: Belmont Stakes Day Live Blog, <http://www.24liveblog.com/live/1294118>, June 6, 2015, (last visited June 10, 2015) (“A top turf sprinter in France, Helwan makes his US debut with Lasix and a solid career resume of 6 first or second place finishes in 7 turf tries for trainer Chad Brown, who excels with these types of horses.”); Donn's Saratoga Horse Racing Picks, <http://donsaratogapicks.blogspot.com/2015/06/saturday-june-6th-stakes-day.html>, June 4, 2015 (last visited June 10, 2015) (“Yes, his last race was long ago but he gets lasix [*sic*] today and he did not come here to look at the tall buildings.”); Thoroughbredchampions.com, June 5, 2015,

If Helwan was administered Lasix despite not qualifying for the drug, that violation of the rule may have contributed to his death. Furosemide without question causes dehydration.<sup>11</sup> Research has also shown that the drug “has a significant negative effect on electrolyte balances in horses.”<sup>12</sup> Horses who have received furosemide have shown “calcium, potassium, and chloride deficits 72 hours post-treatment, despite consuming an adequate amount of the nutrients daily.”<sup>13</sup> The loss of sodium, potassium, and chloride can lead to muscle fatigue and weakness.<sup>14</sup> Consequently, the “bad step” that purportedly caused or resulted from Helwan’s broken bone may have itself been the result of a drug that causes significant electrolyte imbalances in horses.

Based on all of the above, PETA respectfully requests that you investigate whether Helwan actually bled during a workout such that he qualified for Lasix or whether the drug was administered to him in violation of New York’s Thoroughbred racing rules and whether receiving Lasix, a drug to which the horse was not accustomed, may have caused or contributed to his breakdown and subsequent death. Because it is not a secret that veterinarians will administer Lasix to some horses as a performance enhancer, Helwan’s death raises again the longstanding concern that veterinarians sign off on the use of Lasix as a matter of course for horses who do not medically require the drug and that the current rules do not adequately protect horses from being administered the drug as a performance enhancer rather than as a medically necessary treatment.

Therefore, as part of your investigation, PETA asks that you closely examine the legitimacy of Helwan’s veterinary records for any detailed information about his alleged bleeding while in training. PETA also requests that you coordinate with the State Department of Education, as any conduct by a veterinarian that enables the prescribing or administering of Lasix to a horse who did not qualify for the drug would be an apparent violation of New York’s regulation proscribing the administration of unwarranted treatments.<sup>15</sup>

Thank you in advance for your prompt attention to this matter. If you require additional information, please do not hesitate to contact me via telephone at (804) 839-6136 or e-mail at ElisabethC@petaf.org. I look forward to hearing from you.

Sincerely,



Elisabeth Custalow  
Counsel  
PETA Foundation

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<http://www.thoroughbredchampions.com/forum/viewtopic.php?t=3630&p=99236> (last visited June 10, 2015) (“Helwan with first time Lasix”).

<sup>11</sup> E.g., Steven Crist, *Concern is Growing over Use of Lasix*, N.Y. TIMES, June 5, 1983, <http://www.nytimes.com/1983/06/05/sports/concern-is-growing-over-use-of-lasix.html>.

<sup>12</sup> Erica Larson, *Electrolyte Use in Performance Horses*, THE HORSE, July 3, 2012, <http://www.thehorse.com/articles/29353/electrolyte-use-in-performance-horses>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> N.Y. COMP. CODES R. & REGS. tit. 8, § 29.6(a)(7).