



April 15, 2022

Manoel Tamassia, D.V.M., Ph.D.
Director and State Veterinarian
New Jersey Department of Agriculture

Dear Dr. Tamassia:

I'm writing on behalf of People for the Ethical Treatment of Animals U.S.—PETA entities have more than 9 million members and supporters globally and 162,770 in New Jersey—to request that you investigate the egregious actions of Thoroughbred trainer Cody Axmaker and pursue all appropriate charges.

According to a New Jersey Racing Commission ruling, Axmaker was the trainer of the horse Wishful on May 4, 2021, and “as such Mr. Axmaker was obligated to protect and guard the horse WISHFUL against the administration of any drug or substance foreign to the natural horse.”¹ However, Axmaker was in possession of a jug of the prohibited drug clenbuterol, which is intended for respiratory illnesses and is commonly abused in the racing industry, ostensibly to aid in muscle development.²

The jug of clenbuterol may have been labeled as aloe vera, and Axmaker claimed to have instructed his employee to administer aloe vera to Wishful on or around May 4, 2021. The horse died on or around May 9, 2021, at Monmouth Park, and the necropsy found symptoms consistent with an overdose of clenbuterol.

Fourteen other horses in Axmaker's care were also given this drug, which Axmaker claims was issued to him by a veterinarian in Arizona years ago. These horses required treatment of the tranquilizer acepromazine for recovery.³

Axmaker was suspended for two years and fined \$5,000 for violations of N.J.A.C. 13:70-14A.8 and N.J.A.C. 13:70-14A 6(d). While PETA appreciates the administrative suspension of his license, it should not take the place of a criminal investigation into his actions and prosecution on all appropriate charges.

Axmaker's conduct appears to fall squarely within the state's determination that a person commits cruelty to animals by abusing or “[i]nflict[ing] unnecessary cruelty upon a living animal. ... It shall be unlawful to purposely, knowingly, or recklessly: (1) ... poison ... a living animal ...; (2) Cause bodily injury to a living animal ... by failing to provide the living animal ... with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal (3) Cause or produce an act described in paragraph (1) or (2) ... by any direct or indirect means, including but not limited to through the use of another living animal (d)(1) A

¹[NJRC Ruling, 22MON3 \(2022\)](#)

²[NJRC Ruling, 22MON3 \(2022\)](#)

³King, B. (2022, April 13). *Horse dies from clenbuterol overdose, trainer suspended*. Blood-Horse LLC. <https://www.bloodhorse.com/horse-racing/articles/258041/horse-dies-from-clenbuterol-overdose-trainer-suspended>

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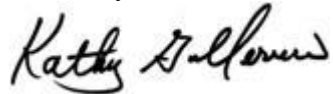
Entities:

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

person who violates paragraph (1), (2), (3) ... shall be guilty of a crime of the third degree if: (a) the animal ... dies as a result of the violation; (b) the animal ... suffers serious bodily injury as a result of the violation.”⁴

Thank you in advance for your prompt attention to this important matter. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Kathy Guillermo". The signature is written in a cursive style with a large, stylized "K" and "G".

Kathy Guillermo
Senior Vice President
Equine Matters Department

⁴[NJ Rev Stat § 4:22-17 \(2017\)](#)