

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Lina M. Khan, Chair
Rebecca Kelly Slaughter
Alvaro M. Bedoya**

**ORDER APPROVING THE ANTI-DOPING AND MEDICATION CONTROL RULE
MODIFICATION PROPOSED BY
THE HORSERACING INTEGRITY AND SAFETY AUTHORITY**

November 22, 2023

I. Background Information Concerning HISA’s Proposed Modification of Anti-Doping and Medication Control Rule

The Horseracing Integrity and Safety Act of 2020, 15 U.S.C. §§ 3051–3060, recognizes a self-regulatory nonprofit organization, the Horseracing Integrity and Safety Authority (“HISA” or “the Authority”), which is charged with developing proposed rules on a variety of subjects relating to horseracing. *See id.* § 3053(a). Those proposed rules and subsequent proposed rule modifications take effect only if approved by the Federal Trade Commission (“the Commission”). *See id.* § 3053(b)(2).

On March 27, 2023, the Commission approved the Anti-Doping and Medication Control (“ADMC”) Rule proposed by the Authority.¹ On April 27, 2023, the Commission extended the effective date of the ADMC Rule until May 22, 2023.²

¹ *See* Fed. Trade Comm’n, Order Approving the Anti-Doping and Medication Control Rule Proposed by the Horseracing Integrity and Safety Authority (Mar. 27, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/P222100CommissionOrderAntiDopingMedication.pdf.

² *See* Fed. Trade Comm’n, Final rule; delay of effectiveness (Apr. 27, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/P222100-HISA-extension-of-ADMC-Rules.pdf, 88 Fed. Reg. 27894 (May 3, 2023).

On July 8, 2023, the Authority submitted to the Commission a proposed modification of the ADMC Rule to include iron dextran as a banned substance. The Commission published this proposed modification of the ADMC Rule in the Federal Register on September 25, 2023.³

According to the Authority, the designation of “iron dextran and other iron dextran containing products as Banned Substances under the ADMC Program” arises from “[t]he risk of serious and potentially fatal adverse reactions to iron dextran products, together with its testing limitations,” which in turn “presents a risk of misuse and abuse in Covered Horses. Iron dextran products have Food and Drug Administration . . . approval only for the treatment and prevention of iron-deficiency anemia in swine,” yet “[i]ron and other blood-building supplements nonetheless are often administered to horses to maximize red blood cell count, with the belief that they will improve energy, stamina, and athletic performance.”⁴ Despite this belief, the Authority determined that “the documented health risk of iron dextran to Covered Horses warrants its designation as a Banned Substance under the ADMC Program.”⁵

II. Discussion of Public Comment

In the only public comment submitted in response to the Authority’s proposal to modify the ADMC Rule by adding iron dextran to the list of banned substances, the commenter stated: “I am in support of adding this drug/medication to the banned substance list. If approved, like any change, there needs to be an adequate leng[th] of time once approved, to be communicated with the Thoroughbred Racing Community so that there is no mis-communications and foul ups like we have seen in the past.”⁶

³ 88 Fed. Reg. 65683 (Sept. 25, 2023).

⁴ *Id.* at 65685.

⁵ *Id.* The Authority further noted that “[i]ron dextran carries an increased risk of anaphylaxis and death in Thoroughbred racehorses,” and provided examples of such risks as well as actions by certain racetracks to ban possession of such substances. *Id.*

⁶ Cmt. of Jim Roberts, FTC-2023-0061-0002.

III. Conclusion

In the Commission's view, the Authority has provided a persuasive rationale for adding iron dextran to the list of banned substances under the ADMC Rule, based on documented risks to the safety and welfare of racehorses.⁷ Moreover, the sole public comment on the Authority's proposal voiced support for the prohibition of iron dextran. The Commission therefore finds that the proposed modification to the ADMC Rule to include iron dextran as a banned substance is consistent with the Act and with the Commission's procedural rules, *see* 15 U.S.C. § 3053(c)(2). Accordingly, by this Order, the Commission approves the proposed rule modification.

For the foregoing reasons, the Authority's proposed modification to the ADMC Rule to include iron dextran as a banned substance is APPROVED.

⁷ For more information about the documentation supporting the Authority's proposal to ban iron dextran, *see* the exhibits attached to the Authority's original proposal, cited at 88 Fed. Reg. 65684 n. 6 and available at <https://www.regulations.gov>.