

try this case upon the evidence adduced here in this court room at the trial, and not from any evidence you may have obtained on the outside or anywhere else.

"If you find from all the evidence that the shipment of butter when it left its place of business was full weight and the shortage, if any, was due to the physical condition of the butter and beyond the control of the defendant, you should of course acquit the defendant. If you find from all of the evidence that the statement upon the packages of butter 'Net contents One Pound' was not labeled so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of the article but the shortage, if any, was the result of inaccuracy beyond the control of the defendant, you must acquit the defendant.

"Now, your verdict should not be made or should not be based upon any single fact in this case, you must understand. You must arrive at your verdict upon a consideration of all of the facts in the case, all of the facts taken together by you and considered and weighed in a dispassionate manner, and you should bring to the trial of this case and to the consideration of the case the same common sense and good judgment that you use in everyday affairs of your business.

"Now, gentlemen of the jury, when you are in the jury room you will select one of your number as foreman. When you have agreed upon a verdict the foreman will sign the verdict, and you will be returned into court where you may deliver your verdict. Remember, of course, that your verdict must be unanimous. You may now retire."

The jury then retired and after due deliberation returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13320. Adulteration of shell eggs. U. S. v. Charles Sanders. Plea of guilty. Fine, \$5. (F. & D. No. 17603. I. S. No. 7595-v.)

On August 21, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Sanders, Wellfleet, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 23, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,260 eggs from the consignment showed that 174, or 13.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On July 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13321. Adulteration and misbranding of morphine sulphate tablets, strychnine sulphate tablets, and codeine sulphate tablets. U. S. v. Western Chemical Co., Inc. Plea of guilty. Fine, \$60. (F. & D. No. 19285. I. S. Nos. 5727-v, 19616-v, 19619-v, 19623-v, 19624-v, 19625-v.)

On April 11, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Chemical Co., Inc., a corporation, trading at Hutchinson, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about February 12, 1924, and April 1, 1924, respectively, from the State of Minnesota into the State of South Dakota, of quantities of morphine sulphate tablets, strychnine sulphate tablets, and codeine sulphate tablets which were adulterated and misbranded. The articles were labeled in part, respectively: "Soluble Hypodermic Tablets Morphine Sulphate $\frac{1}{4}$ Gr.," "Tablet Triturates Morphine Sulphate $\frac{1}{4}$ Gr.," "Tablet Triturates Strychnine Sulphate $\frac{1}{8}$ Gr.," "Soluble Hypodermic Tablets Strychnine Sulphate $\frac{1}{8}$ Gr.," "Tablet Triturates Codeine Sulphate $\frac{1}{4}$ Gr.; Tablet Triturates Codeine Sulphate $\frac{1}{2}$ Gr.," and bore the further statement "Western Chemical Co. Inc. Hutchinson, Minn."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The two consignments of morphine sulphate tablets, labeled " $\frac{1}{4}$ Gr.," averaged not more than 0.2031 grain and 0.2174 grain, respectively,