

THE COURT: "Those circumstances, like everything else, gentlemen, you will take into consideration."

MR. WHITTINGHAM: "Also, that unless the jury are convinced beyond a reasonable doubt that there was misbranding as alleged in the indictment, they must find the defendants not guilty."

THE COURT: "That is correct. If you have reasonable doubt about it you have not the conviction that is required to convict. I think that covers it, doesn't it?"

MR. COUDERT: "Except it might be well to state that they can find the defendants guilty on any one or all of the counts?"

THE COURT: "Gentlemen, you are to understand you will decide and in your verdict state whether you find the defendants guilty on any one or all of these nine counts."

MR. WHITTINGHAM: "May I also ask that you instruct the jury they can have the exhibits with them?"

THE COURT: "The jury may have the exhibits."

On November 24, 1925, the jury returned a verdict of guilty on all nine counts of the information, and the court imposed a fine of \$450.

W. M. JARDINE, *Secretary of Agriculture.*

14354. Adulteration of shell eggs. U. S. v. William H. Eubank (W. H. Eubank). Plea of guilty. Fine, \$5. (F. & D. No. 19340. I. S. No. 12731-v.)

On March 12, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Eubank, King & Queen Court House, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From W. H. Eubank King & Queen C. H."

Examination by the Bureau of Chemistry of this department of the one case comprising the shipment showed 18.6 per cent of inedible eggs.

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

On April 6, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

W. M. JARDINE, *Secretary of Agriculture.*

14355. Adulteration of canned cherries. U. S. v. 229 Cases of Canned Cherries. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 21028. I. S. No. 5774-x. S. No. E-5713.)

On or about April 23, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 229 cases of canned cherries, at Brockport, N. Y., alleging that the article had been shipped by Lafer Bros., from Detroit, Mich., on or about January 28, 1926, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Lafer Bros. Special Pack Cherries Lafer Bros. Distributors Detroit, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On May 29, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14356. Misbranding of cottonseed meal. U. S. v. 80 Sacks and 100 Sacks of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20989, 20990. I. S. Nos. 6303-x, 6304-x. S. Nos. E-5697, E-5698.)

On March 20, 1926, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 180 sacks of cottonseed meal, in part at Hackettstown, N. J., and in part