

or learning they are entitled to express opinions concerning the matters at issue. You will, of course, weigh and evaluate the testimony of the expert witnesses in this case precisely as you weigh the testimony of any non-expert witnesses; that is to say, you will take into account the probability and reasonableness of the matters to which they have testified, the schooling of the person giving it, the learning that he has in his profession, or the want of it, and the breadth of his experience in the field which would enable him to arrive at a correct conclusion. In other words, his testimony should be given such weight as you believe it entitled to receive.

"As I said before, you are the sole judges of the facts in this case in determining the weight and credit you desire of the testimony of any witness you will take into consideration the tenor of the witnesses, the opportunity the witness has to know the things he is speaking about, his interest or lack of interest. In weighing the evidence of any witness, whether it is a witness for the Government or for the defendants, you will take into consideration the interest or lack of interest that witness may have had, bearing in mind, of course, that the defendant himself in this case is an interested witness—I am sorry, ignore that. I thought the defendant had taken the stand in his own behalf.

"You will determine where the truth lies and determine who told the truth and the extent and the weight to be given to the testimony. In other words, in determining the credibility of any witness you will, as reasonable men, apply the same test you would in determining the truthfulness of a person you might meet in the ordinary course of affairs in your own life.

"I leave the case to you, gentlemen, and ask the bailiff be sworn."

MR. TUNNELL: "May I ask that an exception be noted for the defendants?"

LEAHY, J.: "It is so noted."

The jury returned a verdict of guilty against the corporation and a verdict of not guilty with respect to Homer H. Pepper, as directed by the court. The jury reported that it was unable to reach a verdict with regard to Samuel H. Sahn and on November 23, 1943, a nolle prosequi was entered by the United States attorney.

**4223. Adulteration of poultry. U. S. v. Jacob Udell (Eagle Poultry Company). Pleas of guilty. Fine \$2,000, 6 months' jail sentence suspended and defendant placed on probation for 6 months. (F. D. C. No. 7714. Sample No. 69375-E.) U. S. v. Jacob Udell (Eagle Poultry Company). Plea of guilty. Fine of \$1,000. (F. D. C. No. 7714A. Sample No. 17622-F.)**

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented two indictments against Jacob Udell, trading as Eagle Poultry Co. at Frankford, Del., alleging shipment on or about March 10 and August 8, 1942, from the State of Delaware into the States of New York and Maryland of quantities of poultry that was adulterated in that it consisted in whole or in part of the product of diseased animals.

On November 27, 1942, the defendant having entered pleas of guilty, the court imposed a fine of \$2,000 and a jail sentence for the shipment into the State of New York, which jail sentence was suspended and defendant was placed on probation for 6 months. The defendant was also fined \$1,000 for the shipment into the State of Maryland.

**4224. Adulteration of poultry. U. S. v. George Byron Parsons (Parsons Produce Co.) Plea of guilty. Fine \$25. (F. D. C. No. 7253. Sample No. 71581-E.)**

On June 17, 1942, the United States attorney for the District of South Dakota filed an information against George Byron Parsons, trading as Parsons Produce Co., Woonsocket, S. Dak.; alleging shipment within the period from on or about December 5 to on or about December 11, 1941, from the State of South Dakota into the State of Iowa of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On October 19, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$25.

**4225. Adulteration of poultry. U. S. v. Agar Poultry Farms Corporation. Plea of nolo contendere. Fine, \$500 and costs. (F. D. C. No. 7310. Sample No. 69344-E.)**

On June 29, 1942, the United States attorney for the District of Maryland filed an information against Agar Poultry Farms Corporation at Berlin, Md., alleging shipment on or about February 23, 1942, from the State of Maryland into the State of New York, of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Del-Mar-Va Farms Brand."