

adulterated. The articles were invoiced as oranges and tangerines, respectively. The said tangerines were billed as cabbage.

It was alleged in the information that the articles were adulterated in that substances of decomposed and excessively dried oranges and tangerines had been substituted in part for edible fruit, which the articles purported to be; and in that orange juice or tangerine juice, as the case might be, valuable constituents of the articles, had been in part abstracted; and in that the articles consisted in part of decomposed vegetable substances.

On June 2, 1930, the defendant was arraigned and entered a plea of not guilty to the information. On June 18, 1930, the case came on for trial before the court and a jury. After the introduction of evidence and argument by counsel on behalf of the Government and the defendant, the case was submitted to the jury, which returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17478. Adulteration of butter. U. S. v. Herman G. Frieler (Omega Creamery Co.). Plea of guilty. Fine, \$50. (F. & D. No. 25000. I. S. Nos. 021249, 021260.)

Samples of butter from the herein-described interstate shipments having been found to be deficient in butterfat, in that they contained less than 80 per cent of butterfat, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On May 27, 1930, the United States attorney filed in the District Court of the United States aforesaid an information against Herman G. Frieler, trading as the Omega Creamery Co., Omega, Minn., alleging shipment by said defendant in two consignments on or about August 26, 1929, and September 4, 1929, respectively, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

On May 27, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17479. Adulteration of butter U. S. v. 18 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24974. I. S. No. 022977. S. No. 3200.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in butterfat, in that it contained less than 80 per cent of butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On or about June 10, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 18 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Shamokawa Farmers Creamery Association, from Astoria, Oreg., on April 30, 1930, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Challenge Cream & Butter Ass'n., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 17, 1930, the Shamokawa Farmers Creamery Association, Astoria, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$417, conditioned in part that it be made to conform with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*