finding of filth in the butter, and since the soluble insect parts could not be removed by the reprocessing method, we are unable to say that this insect fat should be treated as coming within the de minimis rule.

"It was for the District Judge to say whether the claimant should be allowed to reprocess the butter and then offer it to the public as fit for human consumption. We cannot substitute our judgment for his in the determination of this question. Our review is limited to the inquiry as to whether his action in overruling the claimant's motion was a clear abuse of judicial discretion, that is, arbitrary action unwarranted by the facts of the case. Home Owners' Loan Corp. v. Huffman, 134 F. (2d) 314; In re A. Roth Co., 125 F. (2d) 396. The record on this appeal does not disclose any such abuse of discretion on the part of the trial judge.

"The judgment of the District Court is accordingly affirmed."

14170. Adulteration of butter. U. S. v. 112 Cartons (7,280 pounds) * * *. (F. D. C. No. 26176. Sample No. 8995-K.)

LIBEL FILED: November 8, 1948, Northern District of New York.

ALLEGED SHIPMENT: On or about October 15, 1948, by Worthington Creamery & Produce, from Worthington, Minn.

PRODUCT: 112 cartons, each containing approximately 65 pounds, of butter at Troy, N. Y.

LABEL, IN PART: "First National Stores Somerville, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance. (Examination showed that the product contained insect heads, insect fragments, rodent hair fragments, and manure fragments, and that it had been made from filthy cream.)

Further adulteration, Section 402 (a) (4), the product was prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 9, 1949. First National Stores, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used for the manufacture of soap, under the supervision of the Federal Security Agency.

14171. Adulteration of butter. U. S. v. 76 Cartons (4,864 pounds) * * *. (F. D. C. No. 26174. Sample No. 8990-K.)

LIBEL FILED: November 10, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 19,1948, by the Stuart Creamery Co., from Stuart, Iowa.

PRODUCT: 76 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Zenith Godley Co. N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy, putrid, or decomposed substance. The product contained filth in the form of an insect, insect fragments, mites, rodent hair fragments, and manure, and had been prepared from filthy cream.