

DISTRIBUTION OF CERTAIN FOOD AT HALLOWEEN AND ALL OTHER TIMES PROHIBITED - NOXIOUS SUBSTANCES; GREATER THAN MILD PHYSICAL DISCOMFORT. G.S. § 14-401.11. Felony.

The defendant has been charged with distribution of a food or edible substance which that person knows to contain noxious or deleterious substance.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human accessibility] any food or edible substance.

Second, that at the time the food was [distributed] [sold] [given away] [caused to be placed in a position of human accessibility] the defendant knew the food contained any noxious or deleterious substance, material or article that might be injurious to a person's health or might cause a person any physical discomfort.

And Third, that the [actual effect on a person eating the food or substance was greater than mild physical discomfort without any lasting effect] [the possible effect on a person eating the food or substance would be greater than mild physical discomfort without any lasting effect].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant

DISTRIBUTION OF CERTAIN FOOD AT HALLOWEEN AND ALL OTHER TIMES PROHIBITED - NOXIOUS SUBSTANCES; GREATER THAN MILD PHYSICAL DISCOMFORT. G.S. § 14-401.11. Felony. (Continued).

knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human accessibility] any food or edible substance, knowing the food or edible substance contained any noxious or deleterious substance, material or article that might be injurious to a person's health or might cause a person any physical discomfort, and the [actual effect on a person eating the food or substance was greater than mild physical discomfort without any lasting effect] [the possible effect on a person eating the food or substance would be greater than mild physical discomfort without any lasting effect], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.