

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

The defendant has been charged with distribution of any food or edible substance which that person knows to contain a 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, at the time that the food was [distributed] [sold] [given away] [caused to be placed in a position of human accessibility] that 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, the [actual effect on a person eating the food or substance was limited to mild physical discomfort without any lasting effect] [the possible effect on a person eating the food or substance would be limited to 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

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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 limited to mild physical discomfort without any lasting effect] [the possible effect on a person eating the food or substance would be limited to 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 have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.