

DISTRIBUTION OF CERTAIN FOOD AT HALLOWEEN AND ALL OTHER TIMES PROHIBITED - POISONOUS CHEMICAL, COMPOUND, OR FOREIGN SUBSTANCE. G.S. § 14-401.11. FELONY.

The defendant has been charged with distribution of any food or edible substance containing a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]].

For you to find the defendant guilty of this offense, the State must prove two 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], the defendant knew the food or edible substance contained any [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]]. [(Name substance) is a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]]]. [In determining whether (name substance) was a [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical

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injury] [serious physical pain and discomfort]], you should consider the nature of (*name foreign substance*) and its propensity to cause death, serious physical injury or serious physical pain and discomfort when ingested.]<sup>1</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant 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 [poisonous chemical] [poisonous compound] [foreign substance which might cause [death] [serious physical injury] [serious physical pain and discomfort]], 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 both of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup>The statute gives by way of example items such as razor blades, pins, or ground glass. The definition is not limited to these items.