

239.97 DISTRIBUTION OF CERTAIN [FOOD] [BEVERAGE] PROHIBITED—  
NOXIOUS SUBSTANCES; MILD PHYSICAL DISCOMFORT. FELONY.

The defendant has been charged with distribution of any [food] [beverage] (or other) [[eatable] [drinkable] 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][ingestion]] any [food] [beverage] (or other) [[eatable] [drinkable] substance].

Second, at the time that the [food] [beverage] (or other) [[eatable] [drinkable] substance] was [distributed] [sold] [given away] [caused to be placed in a position of human [accessibility][ingestion]] 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] [beverage] (or other) [[eatable] [drinkable] substance] was limited to mild physical discomfort without any lasting effect] [the possible effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] 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 knowingly [distributed] [sold] [gave away] [caused to be placed in a position of human [accessibility][ingestion]] any [food][beverage] (or other) [[eatable] [drinkable] substance], knowing

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the [food] [beverage] (or other) [[eatable] [drinkable] 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] [beverage] (or other) [[eatable] [drinkable] substance] was limited to mild physical discomfort without any lasting effect] [the possible effect on a person eating the [food] [beverage] (or other) [[eatable] [drinkable] 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.