

241.05 MANUFACTURING POISONOUS SPIRITUOUS LIQUOR FOR USE AS A BEVERAGE. FELONY.

The defendant has been charged with manufacturing poisonous spirituous liquor for use as a beverage.

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

First, that the defendant manufactured<sup>1</sup> spirituous liquor. Spirituous liquor means distilled spirits or ethyl alcohol, including [spirits of [wine] [whiskey] [rum] [brandy] [gin]] (and) [all (other) distilled spirits] (and) [mixtures of cordials] [liqueur] (and) [premixed cocktails], in closed containers for beverage use regardless of their dilution.<sup>2</sup>

Second, that the defendant manufactured the spirituous liquor for use as a beverage.

And Third, that the spirituous liquor contained foreign properties or ingredients poisonous to the human system.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant manufactured spirituous liquor for use as a beverage and that it contained foreign properties or ingredients poisonous to the human system, 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.

---

1. If appropriate, add "either individually or as an agent for any person, firm or corporation." The statute does not define manufacture. However, *Black's Law Dictionary* indicates that the term "manufacture" includes all processes by which personal property is made including chemical processes, hand or machine.

2. G.S. 18B-101(14).