

241.10 SELLING SPIRITUOUS LIQUOR FOR USE AS A BEVERAGE KNOWING IT TO BE POISONOUS. FELONY.

The defendant has been charged with selling spirituous liquor for use as a beverage knowing it to be poisonous.

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

First, that the defendant sold¹ 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.²

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

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

And Fourth, that the defendant knew or had reasonable grounds to know of the foreign poisonous properties or ingredients.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant sold spirituous liquor for use as a beverage, that it contained foreign properties or ingredients poisonous to the human system, and that the defendant knew or had reasonable grounds to know this, 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.³

1. If appropriate, add "either individually or as an agent for any person, firm or

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corporation.”

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

3. If lesser included offenses are to be given, the last phrase should be “you would not return a verdict of guilty as charged.” See N.C.P.I.—Crim. 241.15 for the lesser included misdemeanor offense.