

241.20 [TRANSPORTATION] [POSSESSION] OF POISONOUS SPIRITUOUS
LIQUOR FOR USE AS A BEVERAGE. MISDEMEANOR.

The defendant has been charged with [transportation] [possession] of
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 [transported] [possessed] 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.¹ (The defendant
possessed spirituous liquor if he was aware of its presence, and (either by
himself or together with others) had both the power and intent to control its
disposition or use.)

NOTE WELL: If the constructive possession of the spirituous liquor
is an issue, or if an amplified definition of actual possession is
needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for
further instructions.

Second, that the defendant [transported] [possessed] 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 [transported] [possessed] 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.

N.C.P.I.—Crim. 241.20
[TRANSPORTATION] [POSSESSION] OF POISONOUS SPIRITUOUS LIQUOR FOR USE AS A
BEVERAGE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
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N.C. Gen. Stat. §14-239(d)

NOTE WELL: Anyone charged under G.S. 14-329(d) may show as a complete defense that the spirituous liquor in question was legally obtained and possessed and that he had no knowledge of the poisonous nature of the beverage.

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